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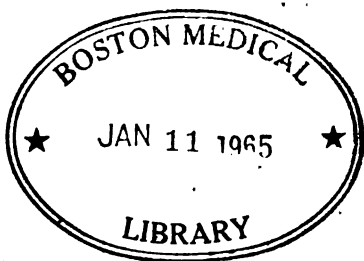
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J. W. M. Rown

Nov. 1880.

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts,
IN THE YEAR
1880,
TOGETHER WITH
THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE

Commonwealth of Massachusetts.

PREAMBLE.

THE end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed. Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other;

CONSTITUTION OF THE

and of forming a new constitution of civil government for ourselves and posterity ; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection therein.

Amendment, Art. XI., substituted for this.

[III. *As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

Legislature empowered to compel provision for public worship;

* NOTE. — Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets: obsolete portions of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and inalienable right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government; right of people to institute and change it.

Right of people
to secure rota-
tion in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life ; and to fill up vacant places by certain and regular elections and appointments.

All, having the
qualifications
prescribed,
equally eligible
to office.

IX. All elections ought to be free ; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protec-
tion and duty of
contribution
correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection ; to give his personal service, or an equivalent, when necessary : but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation found-
ed on consent.

Private prop-
erty not to be
taken for pub-
lic uses with-
out, &c.

Remedies by
recourse to the
law to be free,
complete and
prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it ; completely, and without any denial ; promptly, and without delay ; conformably to the laws.

Prosecutions
regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him ; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him ; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, &c.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a State: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous.

Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

laws necessary for the good administration of the Commonwealth.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments, prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

Tenure of their office.

Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.

Separation of executive, judicial and legislative departments.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

Legislative department.

The legislative body [shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved

See amendments, Art. X

on the day next preceding the said last Wednesday in May; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

Bill may be passed by two-thirds of each house, notwithstanding.

See amendments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicatories, courts of record, &c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c., may administer oaths.

IV. And further, full power and authority are hereby

given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

General court
may enact laws,
&c.,

not repugnant
to the constitu-
tion;

may provide for
the election or
appointment of
officers;

prescribe their
duties;

impose taxes;

duties and
excises;

to be disposed
of for defence,
protection, &c.

Valuation of es-
tates once in ten
years, at least,
while, &c.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXII.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

[Art. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.]

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz.:—

Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes county and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXIV.

Word "inhabitant" defined.

II. The Senate shall be the first branch of the legislature; [and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such

meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually, or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

Selectmen to
preside at town
meetings.

Return of votes.

See amend-
ments, Art. II

Amendments,
Art. X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of
unincorporated
plantations, who
pay State taxes,
may vote.

Plantation meet-
ings.
See amend-
ments, Art. X.

Assessors to
notify, &c.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to

Governor and
council to ex-
amine and count
votes, and issue
summonses.

See amend-
ments, Art. X.

be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X., XIV. and XXIV.

Vacancies, how filled.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Shall try all impeachments.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the

house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Oath.

Limitation of sentence.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

Quorum.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in

Expense of travelling to and from the general court, how paid

the judgment of the house, and does not depart without leave.

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a voter.

See amendments, Arts. III., XX. and XXIII. Representatives, when chosen. See amendments, Arts. X. and XV.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

House alone can impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days at a time.

VIII. The house of representatives shall have power to adjourn themselves, provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, return from, or his attending, the general assembly.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Privileges of members.

Senate.

Governor and council may punish.

General limitation.

Trial may be by committee, or otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled — THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be — HIS EXCELLENCY.

Governor.
His title.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seised, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

To be chosen annually.

Qualifications.

See amendments, Art. VII.

[III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration

By whom chosen, if he have a majority of votes.

See amendments, Arts. II., X., XIV. and XV.

thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one who shall be declared governor.]

How chosen,
when no person
has a majority.

Power of gov-
ernor, and of
governor and
council.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or
prorogue the
general court
upon request,
and convene the
same.
See amend-
ments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amend-
ments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and
council may ad-
journ the gen-
eral court in
cases, &c., but

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the gen-

eral court, not exceeding ninety days, as he shall determine the public good shall require.

not exceeding
ninety days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be
commander-in-
chief.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and

Governor and
council may pardon
offences,
except, &c

But not before conviction.

with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII and XIX.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Militia officers, how elected.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

See amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

How commissioned.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. See amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Adjutant-general.

Army officers, how appointed.

The governor with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in

force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Money, how drawn from the treasury, except, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

Public boards and certain officers to make quarterly returns.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support — that he should, in all cases, act with freedom for the benefit of the public — that he should not have his attention necessarily diverted from that object to his private concerns — and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate — it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Salaries of justices of supreme judicial court.

Salaries to be enlarged, if insufficient.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be — HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Council.
See amendments, Art. XVI.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

[IV. Not more than two councillors shall be chosen out of any one district of this Commonwealth.]

No district to have more than two.

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary to keep records; to attend the governor and council, &c.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed.

Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Justices of the peace; tenure of their office.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

Causes of marriage and divorce, how determined.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &c.

SECTION 1.

The University.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid

Harvard College.

the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the **PRESIDENT AND FELLOWS OF HARVARD COLLEGE**, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Powers, privileges, &c., of the president and fellows, confirmed.

Property devised.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Gifts, grants, and conveyances confirmed.

Board of Overseers established by general court of 1642.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall

Overseers established by constitution.

be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Power of alteration reserved to the legislature.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE RE-VISAL OF THE CONSTITUTION, &c.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before

Declaration of executive and

legislative officers.

See amendments, Art. VII.

he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessèd, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

See amendments, Art. VI.

["I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power in, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God."]

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

See amendments, Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath: and in the second oath, the words "swear and," and in

each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Plurality of offices prohibited to governor, &c., except, &c.
See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate, sheriff, register of probate, or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject.

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — [solicitor-general] — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — [clerk of the inferior court of common pleas] — or officer of the customs, including in this description naval officers — shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

Incompatible offices.

See amendments, Art. VIII. and XXVII.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall

Same subject.

accept a seat in council; or any councillor shall accept of either of those offices or places.

Bribery, &c.,
operates dis-
qualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money
ascertained.
Property quali-
fications.

See amend-
ments, Art.
XIII.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

Provisions re-
specting com-
missions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

Provisions re-
specting writs.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

Continuation of
former laws, ex-
cept, &c.

VI. All the laws which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
&c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

The enacting
style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of for-
mer government
continued until,
&c.

IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other offi-

cers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. Amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

Same subject.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

Provision for preserving and publishing this constitution.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Common-

General court empowered to charter cities.

wealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. II Pick. 538. See amendments, Arts. XX., XXIII. and XXVI.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Notaries public, how appointed and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in the offices of secretary and treasurer, how filled in case, &c. See amendments, Art. XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the Commonwealth shall

require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, &c.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, GOD.” *Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words “So help me, GOD,” and subjoining, instead thereof, the words, “This I do under the pains and penalties of perjury.”

Proviso: Quaker may affirm.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the accept-

Incompatibility of offices.

ance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Commencement
of political year,

and termination.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the
choice of gover-
nor, lieutenant-
governor, &c.,

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary,

for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

when to be held.
May be adjourn-
ed.
Sec amend.
ments, Art. XV

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Article, when to
go into oper-
ation.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Inconsistent
provisions an-
nulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

Religious free-
dom estab-
lished.

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and

thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Towns may unite into representative districts.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be

electd by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Inconsistent provisions annulled.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter: which census shall determine the apportionment of senators and representatives for the term of ten years.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, as-

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII. Senatorial districts declared permanent. See amendments, Art. XXII.

House of representatives, how apportioned. See amendments, Art. XXI.

Small towns, how represented.

Towns may unite into representative districts.

Basis of representation, and ratio of increase.

The governor and council to apportion the number of representatives of each town once in every ten years. Councillors to be chosen from the people at large.

See amend-
ments, Art.
XVI.
Qualifications of
councillors.

sembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Freehold as a
qualification not
required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the
people to be by
plurality of
votes.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual
election of gov-
ernor and legis-
lature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight council-
lors to be chosen
by the people.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafter, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of council-

Legislature to
district state.

Eligibility de-
fined.

Day and manner
of election, &c.

lors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Vacancies, how filled.

Organization of the government

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and

Election of secretary, treasurer, auditor and attorney-general by the people

Vacancies, how filled.

To qualify with-
in ten days,
otherwise office
to be deemed va-
cant.

Qualification
required.

School moneys
not to be ap-
plied for secta-
rian schools.

Legislature to
prescribe for the
election of sher-
iffs, registers of
probate, &c., by
the people.

Reading consti-
tution in English
and writing,
necessary quali-
fications of vo-
ters.
Proviso.

Census of legal
voters and of in-
habitants, when
taken, &c.

See General
Stat. chapter 20.

consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one

thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

Proceedings.

Qualifications of representatives.

Districts to be numbered, do

scribed and certified. same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members.

Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. See amendment, Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the senate.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this Commonwealth as relates to persons holding the office of president, professor or instructor of Harvard College, is hereby annulled.

Officers of Harvard College may be elected members of general court.

THE FRAMING AND POPULAR ADOPTION OF THE CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second

CONSTITUTION OF THE

day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved and ratified by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and were approved and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and were approved and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the

political years 1858 and 1859, and was approved and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and were approved and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and was approved and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1870 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

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GENERAL STATUTES AND SPECIAL ACTS

OF

MASSACHUSETTS.

1880.

 The General Court of 1880 assembled on Wednesday, the seventh day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency JOHN D. LONG and His Honor BYRON WESTON, on Thursday, the eighth day of January, in the presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR. Chap. 1

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty, to wit: — Appropriations.

LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, two thousand dollars each. Clerks of senate and house.

For the salaries of the assistant clerks of the senate and house of representatives, eight hundred dollars each. Assistant clerks.

For the salary of the sergeant-at-arms, two thousand dollars. Sergeant-at-arms.

For the salary of the engineer at the state house, one thousand two hundred dollars. Engineer.

For the salaries of the four watchmen at the state house, one thousand dollars each. Watchmen.

For the salary of the assistant watchman at the state house, seven hundred and fifty dollars. Assistant watchman.

For the salaries of the fireman at the state house, and fireman and janitor at number thirty-three Pemberton Square, eight hundred dollars each Fireman and janitor.

For the salary of the assistant fireman at the state house, two dollars and one-half per day for each day employed. Assistant fireman.

EXECUTIVE DEPARTMENT.

Lieut.-governor
and council.

For the compensation of the lieutenant-governor, two thousand dollars, and for the executive council, six thousand four hundred dollars. For the travelling expenses of said council, a sum not exceeding five hundred dollars.

Private secretary of
governor.
Messenger and
assistant.

For the salary of the private secretary of the governor, one thousand five hundred dollars.

For the salary of the messenger of the governor and council, eight hundred dollars, and for the salary of the assistant messenger, six hundred dollars.

SECRETARY'S DEPARTMENT.

Secretary.

For the salary of the secretary of the Commonwealth, two thousand five hundred dollars.

First clerk.

For the salary of the first clerk in the secretary's department, one thousand eight hundred dollars.

Second clerk.

For the salary of the second clerk in the secretary's department, one thousand five hundred dollars.

Third clerk.

For the salary of the third clerk in the secretary's department, one thousand two hundred dollars.

Additional
clerical assistance.
Messenger.

For a messenger, and such additional clerical assistance as the secretary may find necessary, a sum not exceeding eight thousand dollars.

TREASURER'S DEPARTMENT.

Treasurer.

For the salary of the treasurer and receiver-general, four thousand dollars.

First clerk.

For the salary of the first clerk in the treasurer's department, two thousand three hundred dollars.

Second clerk.

For the salary of the second clerk in the treasurer's department, one thousand eight hundred dollars.

Cashier.

For the salary of the cashier in the treasurer's department, one thousand eight hundred dollars.

Extra clerks.
Additional
clerical assistance.

For the salaries of the two extra clerks in the treasurer's department, one thousand one hundred dollars each, and for such additional clerical assistance as the treasurer may need, a sum not exceeding three hundred dollars.

TAX COMMISSIONER'S BUREAU.

Deputy tax
commissioner.

For the salary of the deputy tax commissioner and commissioner of corporations, two thousand seven hundred and fifty dollars.

First clerk.

For the salary of the first clerk of the tax commissioner, one thousand eight hundred dollars.

For the salary of the second clerk of the tax commissioner, one thousand three hundred dollars. Second clerk.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding eleven thousand dollars. Additional clerical assistance.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, two thousand five hundred dollars. Auditor of accounts.

For the salary of the first clerk in the auditor's department, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, one thousand five hundred dollars. Second clerk.

For the salaries of the two extra clerks and such additional clerical assistance as the auditor may find necessary, a sum not exceeding two thousand seven hundred dollars. Extra clerks. Additional clerical assistance.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, four thousand dollars. Attorney-general.

For the salary of the assistant attorney-general, two thousand dollars. Assistant attorney-general.

COMMISSIONERS, ET AL.

For the salaries of the commissioners of savings banks, five thousand six hundred dollars. Commissioners of savings banks.

For the salary of the clerk of the commissioners of savings banks, one thousand dollars. Clerk.

For the salary of the insurance commissioner, three thousand dollars. Insurance commissioner.

For the salary of the deputy insurance commissioner, two thousand five hundred dollars. Deputy.

For the salary of the first clerk of the insurance commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars. Second clerk.

For the salary of one extra clerk of the insurance commissioner, one thousand dollars. Extra clerk.

For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding seven thousand dollars, payable from fees received for the valuation of life policies. Additional clerical assistance.

For the salary and office expenses of the inspector of gas-meters, two thousand dollars. Inspector of gas-meters.

Prison commissioners.	For the salary of the secretary of the commissioners on prisons, two thousand dollars.
Railroad commissioners.	For the salaries of the railroad commissioners, eleven thousand dollars.
Clerk.	For the salary of the clerk of the railroad commissioners, two thousand dollars.
Accountant.	For the salary of the accountant of the railroad commissioners, two thousand dollars.
Inspector of liquors.	For the salary of the inspector and assayer of liquors, five hundred dollars.
Statistics of labor.	For the salary of the chief of the bureau of statistics of labor, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk in the bureau of statistics of labor, one thousand five hundred dollars.
Clerical services. Expenses.	For the compensation of other clerical services and for expenses of the bureau of statistics of labor, a sum not exceeding five thousand dollars.

AGRICULTURAL DEPARTMENT.

Secretary.	For the salary of the secretary of the board of agriculture, two thousand dollars.
Clerk.	For the salary of the clerk of the secretary of the board of agriculture, one thousand dollars.
Clerical services. Lectures.	For compensation of other clerical services in the office of the secretary of said board, and for lectures before the board, four hundred dollars.

EDUCATIONAL DEPARTMENT.

Secretary.	For the salary and expenses of the secretary of the board of education, two thousand nine hundred dollars, to be paid out of the moiety of the school fund applicable to educational purposes.
Assistant librarian and clerk.	For the salary of the assistant librarian and clerk of the board of education, two thousand dollars.
Additional clerical assistance.	For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand dollars.

MILITARY DEPARTMENT.

Adjutant-general.	For the salary of the adjutant-general, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk in the adjutant-general's department, one thousand eight hundred dollars.
Second clerk.	For the salary of the second clerk of the adjutant-general, one thousand six hundred dollars.

For the salaries of two extra clerks in the adjutant-general's department, one thousand two hundred dollars each. Extra clerks.

For the salary of the messenger in the adjutant-general's department, eight hundred dollars. Messenger.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding five thousand one hundred dollars. Additional clerical assistance.

For compensation of employes at the state arsenal, a sum not exceeding two thousand dollars. Arsenal.

MISCELLANEOUS.

For the salary and expenses of the commissioners of state aid, a sum not exceeding three thousand dollars. Commissioners of state aid.

For the salary of the clerk of the commissioners on prisons, seven hundred dollars. Commissioners of prisons.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1880.

AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR OTHER PURPOSES.

Chap. 2

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified, to wit:— Appropriations.

For compensation of senators, a sum not exceeding twenty thousand five hundred dollars. Senators.

For the mileage of senators, a sum not exceeding four hundred and fifty dollars. Mileage.

For the compensation of representatives, a sum not exceeding one hundred and twenty thousand five hundred dollars. Representatives.

For the mileage of representatives, a sum not exceeding two thousand five hundred dollars. Mileage.

For the compensation of the preacher of the election sermon, fifty dollars. Preacher of election sermon.

For the compensation of the chaplains of the senate and house of representatives, six hundred dollars. Chaplains.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding ten thousand dollars. Doorkeepers and messengers.

For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars. Summoning witnesses.

Expenses of
committees.

For the authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 29, 1880.

Chap. 3

AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR."

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending December thirty-first, in the year eighteen hundred and eighty, to wit:—

SUPREME JUDICIAL COURT.

Clerk.

For the salary of the clerk of the supreme judicial court of the Commonwealth, three thousand dollars.

Reporter.

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.

Expenses.

For the expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

SUPERIOR COURT.

Chief Justice.

For the salary of the chief justice of the superior court, four thousand eight hundred dollars.

Associate
Justices.

For the salaries of the ten associate justices of said court, forty-five thousand dollars.

COURTS OF PROBATE AND INSOLVENCY.

Judge —
Suffolk.

For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars.

Middlesex.

For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars.

Worcester.

For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.

Essex.

For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars.

Norfolk.

For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.

For the salary of the judge of probate and insolvency for the county of Bristol, one thousand eight hundred dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand five hundred dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, one thousand eight hundred dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, one thousand four hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Franklin, one thousand four hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Dukes County, five hundred dollars. Dukes County.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars. Register — Suffolk.

For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars. Middlesex.

For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars. Worcester.

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars. Essex.

For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Bristol, one thousand eight hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand five hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, one thousand six hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. Berkshire.

Hampshire	For the salary of the register of probate and insolvency for the county of Hampshire, one thousand four hundred dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, one thousand four hundred dollars.
Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars.
Assistant register — Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars.
Middlesex.	For the salary of the assistant register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars.
Worcester.	For the salary of the assistant register of probate and insolvency for the county of Worcester, one thousand five hundred dollars.
Essex.	For the salary of the assistant register of probate and insolvency for the county of Essex, one thousand five hundred dollars.
Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, one thousand one hundred dollars.
Expenses of courts.	For expenses of the courts of insolvency, a sum not exceeding two thousand dollars.

DISTRICT ATTORNEYS.

District attorney — Suffolk.	For the salary of the district attorney for the Suffolk district, four thousand five hundred dollars.
First assistant.	For the salary of the first assistant district attorney for the Suffolk district, two thousand four hundred dollars.
Second assistant.	For the salary of the second assistant district attorney for the Suffolk district, two thousand dollars.
Clerk.	For the salary of the clerk for the district attorney for the Suffolk district, one thousand dollars.
District attorney — Northern district.	For the salary of the district attorney for the northern district, one thousand six hundred dollars.
Eastern district.	For the salary of the district attorney for the eastern district, one thousand six hundred dollars.
South-eastern district.	For the salary of the district attorney for the south-eastern district, one thousand six hundred dollars.

For the salary of the district attorney for the southern district, one thousand six hundred dollars.	Southern district.
For the salary of the district attorney for the middle district, one thousand six hundred dollars.	Middle district.
For the salary of the district attorney for the western district, one thousand six hundred dollars.	Western district.
For the salary of the district attorney for the north-western district, one thousand two hundred dollars.	North-western district.
For the salary of the clerk to the register of probate and insolvency for the county of Suffolk, one thousand two hundred dollars.	Clerk — Suffolk.
For such clerical assistance as the register of probate and insolvency for the county of Bristol may deem necessary, a sum not exceeding six hundred dollars.	Clerical assistance — Bristol.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1880.

AN ACT CONCERNING NOTARIAL PROTESTS.

Chap. 4

Be it enacted, &c., as follows:

The protest of any bill of exchange, note or order, duly certified by any notary public in this Commonwealth or elsewhere, under his hand and official seal, shall be *prima facie* evidence of the facts stated therein, and of the notice given to the drawer or indorsers.

Approved February 9, 1880.

AN ACT TO AUTHORIZE THE NEW BEDFORD AND FAIRHAVEN STREET RAILWAY COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 5

Be it enacted, &c., as follows:

SECTION 1. The New Bedford and Fairhaven Street Railway Company is hereby authorized to increase its capital stock to an amount not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1880.

AN ACT TO ENABLE THE BAY STATE IRON COMPANY TO REDUCE THE PAR VALUE OF ITS CAPITAL STOCK.

Chap. 6

Be it enacted, &c., as follows:

SECTION 1. The Bay State Iron Company is hereby authorized, upon the acceptance of this act by its stockholders at a meeting duly called for the purpose, to reduce the par value of its shares to the sum of one hundred dollars each, and to issue to each of its stockholders ten shares of the par value of one hundred dollars for every share of

the present stock of the company of the par value of one thousand dollars now held by him.

SECTION 2. This act shall take effect upon its passage.
Approved February 9, 1880.

Chap. 7 AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES.

Be it enacted, &c., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified herein, to wit:—

STATE BOARD OF HEALTH, LUNACY AND CHARITY.

Travelling expenses of board. For travelling and other necessary expenses of the board of health, lunacy and charity, a sum not exceeding one thousand two hundred dollars.

DEPARTMENT OF HEALTH.

Secretary. For the salary of the secretary of the board of health, lunacy and charity, two thousand five hundred dollars.

Clerical assistance. For such clerical assistance as the secretary may deem necessary, eight hundred dollars.

Expenses of health department. For the expenses of the health department, including chemical analyses, sanitary investigations and reports, and travelling expenses for inspections, a sum not exceeding five thousand dollars.

INSPECTOR OF CHARITIES.

Expenses of inspection. For expenses of inspection of public institutions, under the supervision of the board of health, lunacy and charity, a sum not exceeding four thousand dollars.

Clerical assistance. For clerical assistance and expenses, in the statistical work of the department of the inspector of charities, a sum not exceeding one thousand five hundred dollars.

Inspector. For the salary of the inspector of charities, two thousand five hundred dollars.

SUPERINTENDENT OF IN-DOOR POOR.

Superintendent in-door poor. For the salary of the superintendent of in-door poor, two thousand five hundred dollars.

Assistant. For the salary of the assistant to the superintendent of in-door poor, one thousand five hundred dollars.

For the salary of the assistant in the bureau of visitation, one thousand five hundred dollars.

Bureau of
visitation.

For such additional clerical assistance, including services of visitors, as the superintendent of in-door poor, with the approval of the board of health, lunacy and charity, may deem necessary, a sum not exceeding eleven thousand dollars.

Clerical assist-
ance.

For travelling and contingent expenses of the superintendent of in-door poor, a sum not exceeding five thousand five hundred dollars.

Expenses of
superintendent.

SUPERINTENDENT OF OUT-DOOR POOR.

For the salary of the superintendent of out-door poor, two thousand five hundred dollars.

Superintendent
out-door poor.

For the salary of the clerk of the superintendent of out-door poor, one thousand five hundred dollars.

Clerk.

For such other clerical assistance, including visitors, as the superintendent of out-door poor, with the approval of the board of health, lunacy and charity, may deem necessary, a sum not exceeding eight thousand six hundred dollars.

Additional
clerical assist-
ance.

For the travelling and incidental expenses of the superintendent of out-door poor, a sum not exceeding two thousand four hundred dollars.

Expenses.

For support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, a sum not exceeding one hundred and fifteen thousand dollars.

State paupers
in lunatic
hospitals.

For the transportation of state paupers to the state almshouse, one thousand dollars.

Transportation
to almshouse.

For the transportation of state paupers, a sum not exceeding ten thousand dollars.

Transportation
of state
paupers.

For expenses attending the management of cases of settlement and bastardy, and in connection with complaints of, or in behalf of, persons confined as lunatics, a sum not exceeding two thousand dollars.

Cases of settle-
ment, bastardy,
etc.

For support of state paupers by cities and towns, a sum not exceeding twenty-five thousand dollars.

Support of state
paupers by
towns.

For the burial of state paupers by cities and towns, a sum not exceeding six thousand dollars.

Burial of state
paupers.

For the temporary support of state paupers by cities and towns, a sum not exceeding twenty thousand dollars.

Temporary
support.

For the reimbursement of the Massachusetts infant asylum for the support of infants having no known settlement in the Commonwealth, a sum not exceeding twelve thousand dollars.

Infant asylum.

Johonnot
annuities.

For annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand three hundred dollars.

Annuities.

For other annuities, a sum not exceeding two thousand seven hundred and twenty-two dollars.

Indian state
paupers.

For the support of Indian state paupers, a sum not exceeding five hundred dollars.

Pauper
convicts.

For the support of pauper convicts, a sum not exceeding five hundred dollars.

Pensions.

For pensions, a sum not exceeding six hundred and twenty dollars.

Medical exami-
nations and
inquests.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1880.

Chap. 8

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, unless otherwise ordered from the ordinary revenue, for the purposes specified, to wit:—

Normal schools.

For the support of normal schools, a sum not exceeding fifteen thousand dollars, to be paid out of the moiety of the school fund applicable to educational purposes.

Normal art
school.

For the support of the state normal art school, the same to include rent, taxes, etc., a sum not exceeding four thousand dollars.

Agents of
board of
education.

For the salaries and expenses of the agents of the board of education, a sum not exceeding one thousand five hundred dollars.

Incidental
expenses.

For incidental expenses of the board of education and for the secretary thereof, a sum not exceeding three hundred dollars.

Asylum for the
blind.

For the Perkins institution and the Massachusetts asylum for the blind, the sum of thirty thousand dollars.

Asylums for
deaf mutes.

For the support of Massachusetts beneficiaries in asylums for the deaf and dumb, and in other institutions of the same character, a sum not exceeding forty thousand dollars.

Income of
funds.

The income of the Rogers book fund, of the Todd normal school fund and of the agricultural college fund, shall be expended in accordance with the provisions of the various acts relating thereto.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1880.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE BOSTON, WINTHROP AND POINT SHIRLEY RAILROAD.

Chap. 9

Be it enacted, &c., as follows :

SECTION 1. The time within which the Boston, Winthrop and Point Shirley Railroad Company may locate and construct its railroad, is hereby extended to the third day of July in the year one thousand eight hundred and eighty-two.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1880.

AN ACT TO CHANGE THE NAME OF THE FREDERICKTON STEAMBOAT COMPANY.

Chap. 10

Be it enacted, &c., as follows :

SECTION 1. The name of the Frederickton Steamboat Company, incorporated in the year eighteen hundred and seventy-nine, is hereby changed to the Merrimac Valley Steamboat Company.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1880.

AN ACT IN ADDITION TO AN ACT "TO AUTHORIZE THE TOWN OF HINGHAM TO SELL CERTAIN REAL ESTATE."

Chap. 11

Be it enacted, &c., as follows :

SECTION 1. Section two of chapter ninety of the acts of the year eighteen hundred and eighteen, providing for a poor and school fund in the town of Hingham, is hereby repealed.

Repeal of 1818, 90, § 2.

SECTION 2. The treasurer of said poor and school fund shall pay over and deliver to the treasurer of said town all money, papers or property in his possession, and the same shall be used and disposed of as said town shall direct.

Property and papers to be delivered to town treasurer.

SECTION 3. All moneys received from the sale of lands under said chapter ninety of the acts of the year eighteen hundred and eighteen after the passage of this act shall be paid into the treasury of said town to be used for town purposes.

Proceeds of sale of lands to be paid into town treasury.

Approved February 13, 1880.

Chap. 12 AN ACT TO AUTHORIZE THE TOWN OF ESSEX TO PAY CERTAIN BOUNTIES.

Be it enacted, &c., as follows:

May raise money to pay soldiers' bounties.

SECTION 1. The town of Essex is hereby authorized to raise a sum of money not exceeding twelve hundred and fifty dollars, and pay one hundred and twenty-five dollars each to such soldiers, or, in case of death, to the heirs of such soldiers, as re-enlisted and were credited to the quota of said town under the call made by the President of the United States, on the seventeenth day of October in the year eighteen hundred and sixty-three and subsequent thereto, and who have never received any local bounty for such re-enlistment: *provided*, that said town shall not be reimbursed by the Commonwealth for any money paid under authority of this act.

Towns not to be reimbursed by the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1880.

Chap. 13 AN ACT TO AMEND SECTION SIX OF CHAPTER ONE HUNDRED AND FIFTY-FIVE OF THE GENERAL STATUTES RELATING TO THE LIMITATION OF PERSONAL ACTIONS.

Be it enacted, &c., as follows:

Limitation of personal actions.
G. S. 155, § 6.

Section six of chapter one hundred and fifty-five of the General Statutes is hereby amended by striking out the words "or absent from the United States."

Approved February 13, 1880.

Chap. 14 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December in the year eighteen hundred and eighty, to wit:—

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

Printing and binding ordered by legislature.

For printing and binding, ordered by the senate or house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty thousand dollars.

Senate stationery.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding nine hundred dollars.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding one thousand six hundred dollars.

House stationery.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding eight hundred dollars.

Stationery ordered by sergeant-at-arms.

For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.

Printing and stationery for council.

For the contingent expenses of the governor and council, a sum not exceeding one thousand five hundred dollars.

Contingent expenses of governor and council.

For the contingent expenses of the executive department, as authorized by chapter two hundred and eight of the acts of the year eighteen hundred and seventy-nine, three thousand dollars.

Contingent expenses of executive department.

STATE HOUSE EXPENSES.

For fuel and lights for the state house, a sum not exceeding three thousand five hundred dollars.

State house — Fuel and lights.

For repairs, improvements and furniture of the state house, a sum not exceeding four thousand dollars.

Repairs and furniture.

For rent, taxes and other expenses connected with house number thirty-three Pemberton Square, a sum not exceeding ten thousand dollars.

Expenses of house in Pemberton Square.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses of the secretary's department, a sum not exceeding three thousand dollars.

Incidental expenses — Secretary.

For incidental expenses of the treasurer's department, a sum not exceeding one thousand dollars.

Treasurer.

For incidental and contingent expenses of the tax commissioner's department, a sum not exceeding two thousand seven hundred and fifty dollars.

Tax commissioner.

For the incidental expenses of the auditor's department, a sum not exceeding seven hundred dollars.

Auditor.

For the incidental expenses of the insurance commissioner's department, a sum not exceeding three thousand five hundred dollars.

Insurance commissioner.

For incidental expenses of the commissioner of corporations, a sum not exceeding four hundred dollars.

Commissioner of corporations.

For incidental expenses of the attorney-general's department, a sum not exceeding one thousand five hundred dollars, and for expenses of civil actions, a sum not exceeding three hundred dollars.

Attorney-general.

Civil actions.

MILITARY DEPARTMENT.

Adjutant-general

For incidental expenses of the adjutant-general's department, a sum not exceeding three thousand dollars.

Compensation for military duty.

For the compensation of officers and men of the volunteer militia, for military duty, a sum not exceeding sixty-three thousand dollars.

Transportation of troops.

For transportation of officers and men of the volunteer militia while on military duty, a sum not exceeding ten thousand dollars.

Rent for armories and headquarters.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-one thousand dollars.

Quartermaster-general.

For expenses of the bureau of the quartermaster-general, a sum not exceeding five thousand dollars.

Quartermasters' supplies.

For quartermasters' supplies, a sum not exceeding five thousand five hundred dollars.

Military accounts.

For military accounts, in connection with the volunteer militia not otherwise provided for, a sum not exceeding four thousand dollars.

Medical supplies.

For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.

Camp ground.

For grading the camp ground of the state at Framingham, a sum not exceeding five hundred dollars.

Bounties to Mass. Vols.

For payment of bounties due to Massachusetts volunteers, a sum not exceeding five hundred dollars.

State and military aid to Mass. Vols. and their families.

For the reimbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding three hundred and ninety-seven thousand five hundred dollars, the same to be payable on or before the first day of December of the present year.

AGRICULTURAL.

Bounties to societies.

For bounties to agricultural societies, a sum not exceeding sixteen thousand eight hundred dollars.

Expenses of board.

For the personal expenses of the members of the board of agriculture, a sum not exceeding one thousand two hundred dollars.

Travelling expenses of secretary.

For the travelling expenses of the secretary of the board of agriculture, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Incidental expenses of board.

For other incidental expenses of the board of agriculture, a sum not exceeding one hundred and fifty dollars.

The fees received under section two of chapter two hundred and six of the acts of the year eighteen hundred and seventy-four, entitled "An Act concerning commercial fertilizers," are hereby appropriated to be used in accordance with the provisions of section five of the same act.

Commercial
fertilizers.

MISCELLANEOUS.

To the sheriffs of the different counties, for distributing proclamations, blanks, and making return of votes, a sum not exceeding five hundred dollars.

Sheriffs, for
making return
of votes, etc.

For the compensation and travelling expenses of the harbor and land commissioners, a sum not exceeding five thousand dollars.

Harbor and land
commissioners.

For compensation of engineers, and services of experts, authorized by the harbor and land commissioners, a sum not exceeding three thousand three hundred dollars.

Engineers and
experts.

For rent, fuel, and care of rooms for the harbor and land commissioners, a sum not exceeding one thousand two hundred and fifty dollars.

Rent and fuel.

For incidental and other expenses of the harbor and land commissioners, a sum not exceeding four hundred and fifty dollars.

Incidental
expenses.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian.

State library.

For compensation and expenses of the commissioners on fisheries, a sum not exceeding five thousand five hundred dollars.

Commissioners
on fisheries.

For the salary of the clerk employed under resolve chapter eleven of the acts and resolves of the year eighteen hundred and seventy-eight, entitled, "Resolve in addition to a resolve relating to the indexing of the state archives," a sum not exceeding one thousand three hundred dollars.

Indexing state
archives.

For the contingent expenses of the surgeon-general, a sum not exceeding five hundred dollars.

Surgeon-general,
contingent
expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1880.

AN ACT RELATING TO SENTENCES TO THE STATE PRISON.

Chap. 15

Be it enacted, &c., as follows :

SECTION 1. Convicts shall not be sentenced to imprisonment in the state prison for a less time than three years ; but when a convict is sentenced at the same time on more than one indictment the sentence on each indictment may

Convicts not to
be sentenced to
state prison for
less than three
years.

be less than three years but not less than one year: *provided*, the aggregate of such sentences shall not be less than three years.

Convicts under sentence.

SECTION 2. When a convict is already under sentence of imprisonment in the state prison he may be sentenced for a further time of not less than one year.

Repeal of G. S. 174, § 17. 1877, 190.

SECTION 3. Section seventeen of chapter one hundred and seventy-four of the General Statutes, and chapter one hundred and ninety of the acts of the year eighteen hundred and seventy-seven, are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved February 16, 1880.

Chap. 16 AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT, CONCERNING THE RECORDS OF LOCATIONS OF RAILROADS.

Be it enacted, &c., as follows:

Time extended for giving notice that records of locations of railroads are incomplete, etc.

SECTION 1. Chapter one hundred and thirty-five of the acts of the year eighteen hundred and seventy-eight is hereby amended so that the notice to railroad corporations authorized by section one may be given at any time within two months after the passage of this act. And thereupon, the corporation notified shall, during the present calendar year, file a location of its road, or of such portion thereof as the notice requires, with the same effect from the date of filing as if it had been filed under the provisions of said chapter.

Location to be filed during the present year.

Locations certified by clerk, ratified.

SECTION 2. The locations, heretofore certified by the clerk of the board of railroad commissioners and filed under the requirements of said chapter, are hereby ratified and confirmed so far as the time of filing is concerned.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1880.

Chap. 17 AN ACT TO AUTHORIZE THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY TO HOLD STOCK IN STEAMBOAT COMPANIES.

Be it enacted, &c., as follows:

May hold stock in steamboat companies.

SECTION 1. The New York and New England Railroad Company may purchase or subscribe for and hold shares to an amount not exceeding in the aggregate the par value of five hundred thousand dollars in the capital stock of any incorporated company or companies running steamboats or barges in connection with the lines of which the railroad of said New York and New England Railroad Company forms a part: *provided*, said New York and New

Proviso.

England Railroad Company at any legal meeting of its stockholders called for that purpose shall elect so to do by a vote of a majority of all the stock of said railroad company which shall have been actually issued at the time of any such meeting.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1880.

AN ACT TO INCORPORATE THE TOWN OF COTTAGE CITY.

Chap. 18

Be it enacted, &c., as follows:

SECTION 1. All the territory now within the town of Edgartown comprised within the following limits, that is to say, beginning at the middle of the bridge over "Sengekontacket Opening," and running by the centre of "Sengekontacket Pond" and "Major's Cove" to Miober's Bridge (so called), thence due west to the Tisbury town line, thence by said town line between Edgartown and Tisbury to and through the lagoon bridge, thence by Vineyard Haven Harbor and Vineyard Sound to the first mentioned bound (Sengekontacket Bridge), is hereby incorporated into a town by the name of Cottage City; and said town of Cottage City is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Town of
Cottage City
incorporated.

Territorial
limits.

SECTION 2. The inhabitants of said town of Cottage City shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Edgartown; and all the taxes heretofore assessed and not collected shall be collected and paid to the treasurer of said town of Edgartown in the same manner as if this act had not been passed; and, until the next general valuation of estates in this Commonwealth, the town of Cottage City shall annually pay to the said town of Edgartown the proportion of any state or county tax which the said town of Edgartown may be required to pay upon the inhabitants or estates hereby set off, said proportion to be ascertained and determined by the last valuation next preceding the passage of this act; and the assessors of Edgartown shall make returns of said valuation, and the proportion thereof, in the towns of Edgartown and Cottage City respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Dukes County.

Inhabitants of
Cottage City
to pay arrears
of taxes to town
of Edgartown.

Valuation.

SECTION 3. Said towns of Edgartown and Cottage

Liability for
support of
paupers.

City shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained, whether by original acquisition or derivation, within their respective limits; and said town of Cottage City shall pay annually to said town of Edgartown three-fifths of all costs for the support or relief of those persons who now do or shall hereafter stand in need of relief or support as paupers, and who have gained a settlement in said town of Edgartown in consequence of the military services of themselves, or of those through whom they derive their settlement: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of the said town of Edgartown, as heretofore constituted. The said town of Cottage City shall also pay to the said town of Edgartown, on the first day of January next, towards the support of paupers, the sum of three thousand dollars.

Proviso.

Suits and pro-
ceedings at law
or in equity.

SECTION 4. All suits and proceedings at law or in equity, where the cause of action in favor or against the town of Edgartown arose before the passage of this act, shall be instituted, and prosecuted or defended, by said town of Edgartown with the same effect as if this act had not been passed; and the amount recovered in any such suit or proceeding by or against said town of Edgartown shall be received or paid, as the case may be, by the town of Edgartown, and divided between the towns of Edgartown and Cottage City, in the same proportions as the public property and debts of the town of Edgartown are required to be by this act.

Division of cor-
porate property.

SECTION 5. The corporate property belonging to said town of Edgartown at the date of the passage of this act, except as hereinafter provided, and the public debt existing at said date, shall be divided between the towns of Edgartown and Cottage City according to the valuation of property within their respective limits as assessed May first, eighteen hundred and seventy-nine. Said towns of Edgartown and Cottage City shall each retain and hold all the real property, public buildings and personal property used in connection therewith now in their respective limits. In case said towns of Edgartown and Cottage City shall not agree in respect to a division of debts, unpaid taxes, state or county taxes, or support of paupers, the superior court for the county of Bristol shall, upon petition of either town, appoint three commissioners, neither of whom shall be a resident of the county of

Dukes County; and said petition may be filed and appointments made in vacation to hear the parties and determine the matters of difference; and their award, or the award of any two of them, being accepted by said court, shall be final; and said court shall have jurisdiction to render judgment, or make any order or decree upon said award, to issue execution, or any other proper process, to enforce such judgment, decree, or order. But the award shall not be set aside, unless for fraud or manifest error; in which case the court may recommit the award, or appoint other commissioners, with the same powers and duties as the first, of whose proceedings the court shall have the same jurisdiction as herein before provided. In making said award, the commissioners shall assign the corporate property belonging to the said town of Edgartown at the time of the passage of this act to the town within which said corporate property shall be situate or belong, so far as such division may be practicable; and said commissioners may, if they deem it necessary, award a gross sum to the town of Cottage City, in order to make their division of corporate property just and equitable.

Award of commissioners.

SECTION 6. The town of Cottage City shall, until otherwise provided by law, continue to be a part of the first congressional district, of the first councillor district, of the Cape senatorial district, and the first representative district of Dukes County; and the inhabitants of said town of Cottage City shall vote for each of said officers in the town of Cottage City. The selectmen and clerk in said town of Cottage City, in each of said cases, shall make returns as if said town had existed at the time of the formation of said districts.

Election districts.

SECTION 7. Any justice of the peace within and for the county of Dukes County, whose residence is in the town of Cottage City, may issue his warrant, directed to any inhabitant of said town of Cottage City, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up copies thereof, attested by the person to whom the same is directed, in three or more public places in said town of Cottage City, seven days, at least, before such time of meeting. Such justice, or, in his absence, such inhabitant required to notify the meeting, shall preside, until the choice of moderator, in said town meeting.

First meeting for election of town officers.

The selectmen of said town of Edgartown shall, before said meeting, prepare a list of voters in said town of Cottage City qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

Cottage City
to pay for
establishing
town lines.

SECTION 8. The said town of Cottage City shall bear the expense of making the necessary surveys and establishing the lines between the said towns of Edgartown and Cottage City.

Reimbursement
for bounties to
soldiers.

SECTION 9. Said town of Cottage City shall receive from the said town of Edgartown a proportionate part of whatever amount may hereafter be refunded to said town of Edgartown from the state or United States, to reimburse it for bounties to soldiers, or state aid heretofore paid to soldiers' families, after deducting all reasonable expenses.

Rights secured
to existing
corporations.

SECTION 10. All rights heretofore secured to existing corporations upon the territory hereby incorporated shall continue as though this act had not been passed.

SECTION 11. This act shall take effect upon its passage.

Approved February 17, 1880.

Chap. 19

AN ACT RELATING TO APPEALS FROM PROBATE COURTS.

Be it enacted, &c., as follows:

An appeal may
be dismissed
by the probate
court if not
entered in
supreme judi-
cial court within
the time re-
quired by law.

In all cases of appeal from an order, sentence, decree, or denial, of the probate court or judge, if the appellant fails to enter his appeal in the supreme judicial court, within the time allowed by law, the probate court of the county where the appeal was taken may, upon petition of the appellee or other person interested and upon such notice to the appellant as the court shall order, dismiss the appeal, and affirm the order, sentence, decree, or act appealed from; and further proceedings may then be had in the probate court as if no appeal had been taken.

Approved February 18, 1880.

Chap. 20

AN ACT RELATING TO APPEALS AND REMOVALS IN CIVIL ACTIONS FROM MUNICIPAL, DISTRICT, OR POLICE COURTS OR TRIAL JUSTICES.

Be it enacted, &c., as follows:

Appellant may
deposit money
in court in lieu
of filing bond or
entering into
recognizance.

SECTION 1. In lieu of entering into a recognizance or filing a bond, as now required by law in civil actions, the party appealing from the judgment of a municipal, district, or police court or trial justice (except in cases under chapter one hundred and thirty-seven of the General Statutes),

or any person in his behalf, may deposit with the judge or clerk of the court by which, or the justice by whom, such judgment was rendered, a reasonable sum to be fixed by the said judge, clerk, or justice, with the like effect as if a recognizance had been entered into, or bond filed to prosecute the appeal. A certificate of such deposit shall be issued to the depositor by the judge, clerk, or justice, receiving the same.

Certificate of deposit to be issued.

SECTION 2. Said judge, clerk, or trial justice, shall transmit with the papers now required by law said sum to the clerk of the superior court to which the appeal is taken, who shall, thereupon, deliver or forward his certificate therefor to such judge, clerk, or trial justice.

Money to be transmitted to the clerk of the superior court appealed to.

SECTION 3. The clerk of the superior court shall hold said sum for the payment of such costs as may be recovered on final judgment by the party for whose security the same was originally deposited; and if such costs are not otherwise satisfied, so much of said sum as may be necessary to satisfy the same, shall, on the order of said court, at any time after final judgment, be paid to the party entitled thereto. The residue, if any, or the whole sum, if no costs are recovered by said party, or if upon a final disposition of the action it appears proper, shall be paid to the depositor upon his receipting therefor. Said court or any justice thereof may make such orders relating to such deposit and its payment as the case requires.

Money to be held for payment of costs recovered on final judgment.

Residue to be paid to depositor.

SECTION 4. When an appeal is claimed, or the removal of an action (except in proceedings under chapter one hundred and thirty-seven of the General Statutes), is requested by the defendant in any proceeding before a municipal, district, or police court or trial justice, in which such defendant has given a bond to dissolve the attachment made in such case as provided by law, no recognizance, bond or deposit, shall be required for the allowance of such appeal or removal.

Bond or deposit not to be required upon an appeal, when bond has been given to dissolve attachment.

SECTION 5. This act shall take effect upon its passage.

Approved February 18, 1880.

AN ACT RELATING TO THE FORMATION OF RELIGIOUS SOCIETIES. *Chap. 21*

Be it enacted, &c., as follows:

SECTION 1. Ten or more persons, male or female, within this Commonwealth, who shall desire to form a religious society, may make an application for that purpose in writing to any justice of the peace for the county in which such society is to be established, who may issue his

Formation of religious societies.

Corporate
name.

warrant directed to one of the applicants stating the objects, and requiring him to warn said persons to meet at a time and place appointed in the warrant, which shall be issued, served and executed, and the meeting be held, in the same manner and for the same purposes as set forth in the fifth section of chapter thirty of the General Statutes. And such persons shall become a corporation under a name to be assumed at such meeting upon complying with the provisions of said section, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions relating to religious societies as provided in said chapter, or any general law of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1880.

Chap. 22

AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING SUNDRY PUBLIC DOCUMENTS AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December of the present year.

Printing and
binding public
series of docu-
ments.

For printing and binding the public series of documents, under the direction of the secretary of the Commonwealth, a sum not exceeding thirty thousand dollars.

Pamphlet
edition of gen-
eral laws.

For printing the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding three thousand dollars.

Printing and
binding "blue
book."

For printing and binding the "blue book" edition of the acts and resolves of the present year, with the governor's message and other matters in the usual form, a sum not exceeding two thousand dollars.

Newspaper pub-
lication of laws.

For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.

Assessors'
books and regis-
tration blanks.
Supplement to
the General
Statutes.

For assessors' books and registration blanks, a sum not exceeding three thousand dollars.

For publication and editing of the supplement to the General Statutes for the present year, a sum not exceeding eight hundred and fifty dollars for publication, and two hundred dollars for editing the same.

Provincial
statutes.

For the publication of the provincial statutes, a sum not exceeding five thousand dollars.

Term reports.

For term reports, a sum not exceeding one thousand five hundred dollars.

MISCELLANEOUS.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and seventy-nine, three hundred dollars.

Roads in Mashpee.

For the compensation of experts or other agents, for rent of office, and for incidental and contingent expenses of the railroad commissioners, a sum not exceeding two thousand four hundred and thirty-five dollars.

Railroad commissioners. Incidental and contingent expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1880.

AN ACT TO ENABLE THE AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 23

Be it enacted, &c., as follows:

SECTION 1. The American Board of Commissioners for Foreign Missions is hereby authorized to take and hold in fee simple or otherwise, lands, tenements or hereditaments, by gift, grant or otherwise, for the purposes for which they were incorporated, not exceeding one million dollars; and may also take and hold by donation, bequest or otherwise, personal estate to an amount not exceeding two million dollars, any thing in its act of incorporation or in subsequent acts amending the same to the contrary notwithstanding.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1880.

AN ACT TO REVIVE THE AMERICAN LINEN MANUFACTURING COMPANY FOR CERTAIN PURPOSES, AND TO CONFIRM THE ORGANIZATION OF THE AMERICAN LINEN COMPANY.

Chap. 24

Be it enacted, &c., as follows:

SECTION 1. The corporation heretofore known as the American Linen Manufacturing Company and located in Fall River is hereby revived and continued for the purpose of enabling said company to convey, transfer or release to the American Linen Company or its assigns, any real or personal estate of which the said American Linen Manufacturing Company was seized and possessed at the time when the act under which it was authorized was repealed and for no other purpose whatsoever.

Corporation revived for conveyance of real and personal estate.

SECTION 2. The organization of the American Linen Company and all acts subsequent thereto in confirmation thereof, and all other acts dependent thereon, are hereby ratified, confirmed and made valid.

Organization confirmed.

Meeting of
stockholders.

SECTION 3. The president of the American Linen Manufacturing Company, or in case of his refusal or inability to act, any person who was a stockholder of said company at the date of the dissolution of said company, is hereby authorized to call a meeting of the stockholders of said American Linen Manufacturing Company; and said company may convey said real and personal estate to said American Linen Company by deed executed in the name and under the seal of the said American Linen Manufacturing Company.

SECTION 4. This act shall take effect upon its passage.

Approved February 18, 1880.

Chap. 25 AN ACT TO PROVIDE THAT THE RECEIVERS OF INSOLVENT INSURANCE COMPANIES SHALL DEPOSIT CERTAIN MONEYS WITH THE TREASURER OF THE COMMONWEALTH.

Be it enacted, &c., as follows:

Receivers to de-
posit unclaimed
moneys with the
state treasurer

Receivers of insolvent insurance companies having unclaimed moneys or dividends belonging to the estate of any such company remaining in their hands for one year after final settlement ordered by the court, shall deposit the amount so remaining uncalled for with the treasurer of the Commonwealth, with a schedule of the names and residences, so far as known, of the parties entitled thereto; and said treasurer shall receive and hold the same in trust for such parties and their representatives; and said treasurer shall pay over the same to the parties entitled thereto, upon proper demand made therefor, upon being furnished with evidence satisfactory to him of the identity of the claimant and the justice of the claim.

Treasurer to
pay over to par-
ties entitled to
moneys.

Approved February 19, 1880.

Chap. 26 AN ACT TO AUTHORIZE THE EXTENSION OF THE RAILROAD OF THE NEW HAVEN AND NORTHAMPTON COMPANY UNDER THE GENERAL RAILROAD LAWS.

Be it enacted, &c., as follows:

May extend rail-
road.

SECTION 1. The New Haven and Northampton Company is hereby authorized to extend its railroad from a point in its present tract near King street in the town of Northampton, through a part of said town, and the towns of Hatfield, Whately, Deerfield and Conway, so as to connect and intersect with the Troy and Greenfield Railroad at a point near the westerly end of Bardwell's bridge over the Deerfield river, also from a point in the village of South Deerfield, through the towns of Deerfield and Mon-

tagne, to the Gill bridge in the village of Turner's Falls: *provided*, that the extensions authorized by this act shall be located and constructed in conformity with the provisions of the general railroad law of one thousand eight hundred and seventy-four, and acts in amendment thereof; and *provided, further*, that the extensions herein authorized shall not cross any existing railroads, on a grade level therewith, and that all necessary structures for crossing under the grade thereof shall be subject to the approval of the railroad commissioners and shall be constructed at the expense of the New Haven and Northampton Company.

Location and construction under general railroad law.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1880.

AN ACT TO INCORPORATE THE WANNACOMET WATER COMPANY.

Chap. 27

Be it enacted, &c., as follows:

SECTION 1. Moses Joy, junior, William F. Codd, John A. Hussey, Frederick Stone and Darwin A. Greene, their associates and successors, are hereby made a corporation by the name of the Wannacomet Water Company, for the purpose of furnishing the inhabitants of Nantucket with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force regulating such corporations.

Corporators.

Name and purpose.

SECTION 2. Said corporation for the purpose aforesaid may take and hold the waters of the pond formerly known as the "Western Washing Pond," and now known as the Wannacomet Pond, together with so much as may be necessary for the purpose, of any springs, ponds, or natural brooks within the limits of said town; and may convey the same through the town of Nantucket or any part thereof; and may take and hold by purchase or otherwise, such land on or around the margin of said ponds or brooks, not exceeding five rods in width, as may be necessary to secure the purity of the water; and may also take and hold in like manner, such land as may be necessary for constructing any reservoir, for erecting and maintaining dams, embankments and gate houses, and for laying down and maintaining conduits, pipes and drains, and erecting engines and pumps, constructing aqueducts, hydrants and other works for collecting, conducting and distributing water among the said inhabitants. Said corporation shall, within ninety days after taking such lands, file in the

May take the waters of Wannacomet Pond.

May take land by purchase or otherwise.

To file in the registry of deeds a description of the land taken.

May construct aqueducts, and erect dams and reservoirs.

May establish water rates.

May dig up roads under direction of selectmen.

Assessment of damages.

Application for damages, to be made within two years.

Real estate.

Capital stock and shares.

Penalty for diverting water or rendering it impure.

registry of deeds in the county of Nantucket a description of the lands so taken, sufficiently accurate for identification, together with a statement of the purposes for which said lands are taken, signed by the president of said corporation.

SECTION 3. Said corporation may construct one or more permanent aqueducts from any of the sources before mentioned, into and through said town of Nantucket, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs; may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purposes for which they may be used, and may change and discontinue the same; and may make such contracts with the town of Nantucket or with individuals to supply water for fire and other purposes as may be agreed upon by said town or individuals and said corporation; may distribute the water throughout the town of Nantucket; may regulate the use and establish the price or rent therefor; may, for the purposes aforesaid, convey and conduct its conduit pipes and drains over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may for such purpose enter upon and dig up any such road, street or other way, under the direction of the selectmen of the town of Nantucket.

SECTION 4. Any person or corporation injured in property under this act, and failing to agree with said corporation as to the amount of damages, may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken or diverted by said corporation. Any person whose water rights are thus taken may so apply at any time within two years from the time when the water is actually taken or diverted.

SECTION 5. Said corporation for the purposes aforesaid may hold real estate not exceeding fifteen thousand dollars, and its capital stock shall not exceed thirty thousand dollars to be divided into shares of twenty-five dollars each.

SECTION 6. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or

any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works, or property held, owned, or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Nantucket, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

May purchase
aqueduct now
in use.

SECTION 8. The Wannacommet Water Company may issue bonds and secure the same by a mortgage on its works, structures, equipments, franchise and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Wannacommet Water Company's works.

May issue
bonds.

SECTION 9. This act shall take effect upon its passage.

Approved February 19, 1880.

AN ACT IN REFERENCE TO JURISDICTION OVER ACTIONS OF TORT.

Chap. 28

Be it enacted, &c., as follows :

No action of tort shall hereafter be brought in the supreme judicial court or shall hereafter be removed to said court from the superior court.

Actions of tort
not to be
brought in, or
removed to, su-
preme judicial
court.

Approved February 20, 1880.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE VARIOUS CHARITABLE AND REFORMATORY INSTITUTIONS, AND FOR OTHER PURPOSES.

Chap. 29

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year eighteen hundred and eighty, to wit:—

Appropriations.

State almshouse
at Tewksbury.

For the payment of salaries at the state almshouse at Tewksbury, a sum not exceeding eighteen thousand dollars; and for other current expenses of said institution, a sum not exceeding sixty-six thousand dollars.

State primary
school at Mon-
son.

For the payment of salaries at the state primary school at Monson, a sum not exceeding seventeen thousand dollars; and for other current expenses of said institution, a sum not exceeding thirty-five thousand dollars.

State prison.

For the payment of salaries at the state prison, a sum not exceeding fifty thousand dollars; and for other current expenses of said institution, a sum not exceeding seventy-five thousand dollars.

Reformatory
prison for
women.

For the payment of salaries at the reformatory prison for women, a sum not exceeding twenty-four thousand dollars; and for other current expenses of said institution, a sum not exceeding sixty-four thousand two hundred and fifty dollars.

Reform school
for boys.

For the payment of salaries at the state reform school for boys, a sum not exceeding six thousand dollars; and for other current expenses of said institution, a sum not exceeding ten thousand dollars.

Industrial
school for girls.

For the payment of salaries at the state industrial school for girls, a sum not exceeding six thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding eleven thousand dollars.

State work-
house at Bridge-
water.

For the payment of salaries at the state workhouse at Bridgewater, a sum not exceeding eleven thousand dollars; and for other current expenses of said institution, a sum not exceeding twenty-nine thousand dollars.

Commissioners
of prisons, con-
tingent ex-
penses.

For the contingent expenses of the commissioners on prisons, a sum not exceeding nine hundred and seventy-five dollars, the same to include printing blanks and binding.

Travelling ex-
penses.

For travelling expenses of the commissioners on prisons, and of the secretary thereof, a sum not exceeding seven hundred and fifty dollars.

Agent for aiding
discharged con-
victs.

For the salary of the agent for aiding discharged convicts, one thousand dollars; and for the expenses of said agent, a sum not exceeding three thousand dollars.

Discharged fe-
male prisoners.

For aiding discharged female prisoners, discharged from the prison for women, a sum not exceeding one thousand five hundred dollars.

District police
force.

For the salary of the chief of the district police force, a sum not exceeding one thousand seven hundred dollars. For the compensation of the district police, a sum not exceeding eighteen thousand dollars. For travelling

expenses actually paid by members of said force, a sum not exceeding nine thousand dollars; and for incidental and contingent expenses, a sum not exceeding two thousand dollars.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding three thousand dollars.

For travelling and other necessary expenses of the trustees of the state primary, reform, and industrial schools, a sum not exceeding one thousand dollars.

From the appropriation made the previous year for the current expenses of the state almshouse at Tewksbury, there may be paid a sum not exceeding one thousand four hundred and seventy-six dollars and twenty-two cents for salaries at said institution.

For the contingent expenses of the senate and house of representatives, and for necessary expenses in and about the state house, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1880.

Arrest of fugitives from justice.

Travelling expenses.

State almshouse at Tewksbury.

Contingent expenses of senate and house.

AN ACT RELATING TO THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SPRINGFIELD.

Chap. 30

Be it enacted, &c., as follows:

SECTION 1. The board of water commissioners of the city of Springfield established by chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two and chapter seventy-five of the acts of the year eighteen hundred and seventy-three in amendment thereof, is hereby abolished.

Board of water commissioners of Springfield, abolished.

SECTION 2. As soon as practicable after the passage of this act the city council of said city shall elect by ballot in joint convention two citizens thereof, one for the term of one year and one for the term of two years, from February first in the year eighteen hundred and eighty, as water commissioners, who, with the mayor as an *ex officio* member, shall constitute the board of water commissioners of said city of Springfield, with all the rights, powers and duties of the board abolished by this act, except as hereinafter provided. And hereafter said city council shall annually in the month of January elect by ballot in joint convention one citizen as a member of said board for the term of two years from the succeeding first day of February. In case any citizen so elected shall die, resign, or become disqualified during his term of office, said city council shall, as soon as may be, elect by ballot in joint convention a citizen to

New board of water commissioners, established.

One member to be elected annually in January.

Vacancy.

- Proviso.** fill the vacancy for the unexpired term only: *provided*, however, that no member of the city council shall be eligible to election as water commissioner.
- Clerk of the board.** SECTION 3. The city engineer of said city shall be *ex officio* clerk of said board, and as such shall keep a true and accurate record of the doings thereof, and shall be duly sworn to the faithful performance of his duties.
- Mode of collecting water rents may be prescribed by city ordinance.** SECTION 4. Said city may by ordinance prescribe the mode of collecting all water rents and other money that may become due the city on account of the water department, and of accounting for the same to the city treasurer; and of the payment of all bills contracted by said department. The city auditor shall have free access to and audit all books and accounts of said board. The annual report of said board shall be addressed to the city council and printed in the municipal register.
- Repeal.** SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.
- Subject to acceptance by city council.** SECTION 6. This act shall take effect on being accepted by a two-thirds vote of each branch of the city council of said city. But the water commissioners then in office shall continue to hold office until commissioners shall be elected under this act. *Approved February 20, 1880.*

Chap. 31 AN ACT TO CONFIRM AND ESTABLISH THE NAME OF THE OLD SOUTH PARISH OF READING.

Be it enacted, &c., as follows:

- Name established.** SECTION 1. The parish in Reading heretofore known at various times as the Third Congregational Society, or West Parish of Reading; as the Second Congregational Society, or Second Parish; as the South Parish, and now as the Old South Parish of Reading, shall hereafter be known as the "Old South Parish of Reading."

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1880.

Chap. 32 AN ACT IN ADDITION TO AN ACT TO REGULATE AND LIMIT MUNICIPAL INDEBTEDNESS.

Be it enacted, &c., as follows:

- Municipal indebtedness.** The provisions of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, entitled An Act to regulate and limit Municipal Indebtedness, shall not apply to water scrip lawfully issued by a town for the indebtedness of a fire district.

Fire district water scrip.

Approved February 20, 1880.

AN ACT TO COMPEL A MORE ACCURATE REGISTRATION OF BIRTHS. *Chap. 33**Be it enacted, &c., as follows :*

SECTION 1. It shall be the duty of every physician and midwife in the several cities and towns in this Commonwealth, excepting Boston, to report on or before the fifth day of each month to the clerk of each city and town a correct list of births of all children born therein during the month next preceding at which such physician or midwife was present, stating therein the place, date of each birth, and parents' names.

Return of births to be made monthly, except in Boston.

SECTION 2. Town and city clerks shall give public notice that they are prepared to furnish the necessary blanks to all physicians and midwives applying therefor.

Clerks to give notice that they will furnish blanks.

SECTION 3. Any physician or midwife neglecting to report such list for ten days after it is due shall for each offence forfeit a sum not exceeding twenty dollars.

Penalty on physician or midwife for neglect.

SECTION 4. This act shall take effect upon its passage.

Approved February 26, 1880.

AN ACT RELATING TO THE BONDS OF GUARDIANS UNDER WILLS. *Chap. 34**Be it enacted, &c., as follows :*

SECTION 1. A guardian under a will shall be exempt from giving a surety or sureties on his bond, when the testator has ordered or requested such exemption, or has ordered or requested that no bond should be taken ; but such guardian shall in all cases give his own personal bond with conditions as prescribed by law : *provided*, that the judge of the probate court may at any time require a bond, with sufficient surety or sureties, if he is of opinion that the same is required by a change in the situation or circumstances of such guardian, or for other sufficient cause.

Guardians under wills exempt from giving sureties on bonds, when so ordered by testator.

Judge may require a bond with sureties.

SECTION 2. Every guardian, under a will who neglects to give bond as required by this act, within such time as the probate court allows, shall be considered to have declined the trust : *provided*, that no guardian who has already undertaken a trust under laws heretofore existing, shall be required by the provisions of this act to give bond, except when the judge of the probate court is of opinion that the same is required by a change in the situation or circumstances of such guardian, or for other sufficient cause.

Guardian neglecting to give bond, considered to have declined trust. *Proviso.*

Approved February 26, 1880.

- Chap. 35** AN ACT DEFINING THE WORDS "PREMIUM RECEIVED" IN CHAPTER ONE HUNDRED AND EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted, &c., as follows:

"Premium received," defined.
1874, 108.

Wherever the words "premium received" occur in chapter one hundred and eight of the acts of the year eighteen hundred and seventy-four, they shall be held to mean the amount of premium written in the policy.

Approved February 26, 1880.

- Chap. 36** AN ACT TO CHANGE THE NAME OF THE "CLARK W. BRYAN COMPANY."

Be it enacted, &c., as follows:

Name changed.

SECTION 1. The "Clark W. Bryan Company," a corporation established in Springfield under the general laws, shall be known as the "Springfield Printing Company," on and after the first day of April eighteen hundred and eighty.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1880.

- Chap. 37** AN ACT RELATING TO SERVICE AND ATTACHMENT IN CASES IN EQUITY.

Be it enacted, &c., as follows:

Service and attachment in cases in equity.

SECTION 1. When a case in equity is commenced by bill or petition inserted in an original writ of summons, or of summons and attachment, or by a declaration in an action of contract or tort, the bill, or petition, or declaration, need not be inserted in the separate summons, nor in any copy of the original writ to be served on the defendant, nor in any copy of the writ deposited or left with or in the office of any register, clerk, treasurer, or other public officer, or officer of a corporation or other person, for the purpose of making an attachment.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1880.

- Chap. 38** AN ACT TO REPEAL THE LAW FORBIDDING SMOKING IN THE STREETS OF BOSTON.

Be it enacted, &c., as follows:

Smoking in streets in Boston.

Repeal of
1818, 171, § 10.

Section ten of chapter one hundred and seventy-one of the acts of the year eighteen hundred and eighteen is hereby amended by striking out the words "or shall smoke, or have in his or her possession, any lighted pipe or cigar, in any street, lane or passage way, or on any wharf, in said town."

Approved February 27, 1880.

AN ACT TO REINSTATE THE TOWN OF QUINCY IN THE LUMBER DISTRICT FOR "SUFFOLK AND VICINITY." *Chap. 39*

Be it enacted, &c., as follows :

SECTION 1. So much of section seven, chapter sixty-five, of the acts of the year eighteen hundred and seventy-eight, as relates to the town of Quincy, is hereby repealed; and said town is reinstated in the lumber district for Suffolk county and vicinity, as provided in section one hundred and twenty-six of chapter forty-nine of the General Statutes.

Quincy reinstated in Suffolk lumber district.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1880.

AN ACT TO ESTABLISH THE SALARY OF THE SURGEON-GENERAL. *Chap. 40*

Be it enacted, &c., as follows :

SECTION 1. The surgeon-general shall receive a salary of twelve hundred dollars per annum, and at the same rate for any fraction thereof.

Salary established.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect from the first day of January, eighteen hundred and eighty.

To take effect January 1, 1880.

Approved February 27, 1880.

AN ACT TO AUTHORIZE THE TOWN OF WILBRAHAM TO TAKE CERTAIN LAND FOR SCHOOLHOUSE PURPOSES. *Chap. 41*

Be it enacted, &c., as follows :

The town of Wilbraham and its selectmen shall have the same right to designate, select and use for a schoolhouse lot, a portion of the open land called the "Green," on the easterly side of the main street in the central village of said town, as if the public had no rights or easements therein.

May take land for schoolhouse purposes.

Approved February 27, 1880.

AN ACT TO ENABLE THE WOLLASTON WHARF AND DOCK COMPANY TO HOLD ADDITIONAL REAL ESTATE IN QUINCY. *Chap. 42*

Be it enacted, &c., as follows :

SECTION 1. The Wollaston Wharf and Dock Company, a corporation chartered by chapter seventy-six of the acts of the year eighteen hundred and seventy-five, is hereby empowered to purchase and hold, in fee simple or otherwise, and for the purposes in said charter expressed, two hundred acres of land in the town of Quincy in addition to the land which by said charter said corporation is now authorized to purchase and hold.

May hold additional real estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1880.

Chap. 43 AN ACT TO EXTEND THE CHARTER OF THE REAL ESTATE AND BUILDING COMPANY.

Be it enacted, &c., as follows :

Charter extended.

SECTION 1. The Real Estate and Building Company shall be and remain a corporation for a further term of five years after the expiration of its present charter, and shall, during said further term, have the powers and privileges, and be subject to the duties, liabilities and restrictions, set forth in its charter and in the general laws which are or may be in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1880.

Chap. 44 AN ACT TO AUTHORIZE THE AMERICAN UNITARIAN ASSOCIATION TO TRANSFER THE FAY FUND TO THE SOCIETY FOR THE RELIEF OF AGED AND DESTITUTE CLERGYMEN.

Be it enacted, &c., as follows :

The Fay fund may be transferred to the Society for the Relief of Aged and Destitute Clergymen.

The American Unitarian Association is authorized to transfer to the Society for the Relief of Aged and Destitute Clergymen, and said society is authorized to receive, the funds known as the Fay fund, now held by said association under the will of Hannah Maria Fay late of Framingham, deceased, said will having been probated at Cambridge, March twentieth, eighteen hundred and seventy-seven, and the said society is to assume and discharge the trusts arising thereunder.

Approved February 27, 1880.

Chap. 45 AN ACT TO CHANGE THE NAME OF THE NATIONAL BUTTON COMPANY OF EASTHAMPTON.

Be it enacted, &c., as follows :

Name changed to "Williston and Knight Co."

SECTION 1. The name of the "National Button Company" of Easthampton, a corporation organized under the general laws of the Commonwealth, is hereby changed to the "Williston and Knight Company."

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1880.

Chap. 46 AN ACT TO AUTHORIZE THE PROPRIETORS OF THE BOSTON ATHENÆUM TO HOLD ADDITIONAL PROPERTY.

Be it enacted, &c., as follows :

May hold additional real and personal estate.

The proprietors of the Boston Athenæum and their successors, in addition to works or objects of literature, science and the arts, and to the property which they are now allowed by law to hold for income, may take, hold

and convey, for the purpose of income, real and personal property not exceeding seven hundred thousand dollars in value, the income thereof to be applied to the purposes specified in their act of incorporation.

Approved March 2, 1880.

AN ACT RELATING TO THE CONSTRUCTION OF A ROAD AND BRIDGES OVER DEAN'S RIVER AND HOG ISLAND RIVER.

Chap. 47

Be it enacted, &c., as follows :

SECTION 1. L. G. Burnham, Rufus Choate and N. C. Marshall, are hereby authorized to construct a road and bridges across Dean's River and Hog Island River in the town of Essex, upon plans to be approved by the harbor commissioners.

Bridge across Dean's and Hog Island Rivers in Essex.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1880.

AN ACT AUTHORIZING THE SUPERIOR COURT TO HOLD SESSIONS BY ADJOURNMENT AT BRIDGEWATER IN THE COUNTY OF PLYMOUTH.

Chap. 48

Be it enacted, &c., as follows :

SECTION 1. The justices holding the respective terms of the superior court in and for the county of Plymouth shall have the same power to adjourn any of the established terms of said court for said county from Plymouth to Bridgewater as they now have to adjourn from one shire town to another; any adjournment so made shall have the same effect as if made from one shire town to another, and shall be subject to all the provisions of law relating to adjournments from one shire town to another. The county commissioners of said county are hereby authorized and directed to provide a suitable place at Bridgewater for holding said adjourned terms: *provided*, that nothing herein contained shall be so construed as to authorize the erection or purchase of any building by said commissioners.

Terms of superior court may be adjourned from Plymouth to Bridgewater.

Suitable place to be provided for holding terms at Bridgewater.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

AN ACT IN ADDITION TO THE ACT INCORPORATING THE BOSTON EPISCOPAL CHARITABLE SOCIETY.

Chap. 49

Be it enacted, &c., as follows :

SECTION 1. The Boston Episcopal Charitable Society, incorporated on the twelfth day of February in the year seventeen hundred and eighty-four, is authorized and em-

May hold additional real and personal estate.

powered to hold real and personal property to the amount of one hundred and fifty thousand dollars in addition to the amount which it is now authorized to hold for the charitable purposes mentioned in said act of incorporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

Chap. 50 AN ACT TO AMEND "AN ACT TO ESTABLISH A FIRE DEPARTMENT IN THE TOWN OF MARBLEHEAD."

Be it enacted, &c., as follows:

Five fire wards
to be elected in
Marblehead.

SECTION 1. Section one of chapter three of the acts of the year eighteen hundred and twenty-nine is hereby amended, so that the number of fire wards provided to be chosen by the inhabitants of the town of Marblehead at their annual meeting in March or April shall be "five" instead of "nine."

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

Chap. 51 AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-FOUR, ENTITLED "AN ACT TO INCORPORATE THE TRUSTEES OF THE SEVERY SCHOOL FUND IN GARDNER."

Be it enacted, &c., as follows:

Severy school
fund in Gard-
ner.
1854, 365, § 1.

SECTION 1. Section one of chapter three hundred and sixty-five of the acts of the year one thousand eight hundred and fifty-four is hereby amended by striking out in the first line thereof the words "inhabitants of school district number two," and inserting in place thereof the words "legal voters;" also by striking out in the eighth line of the same section the word "inhabitants," and inserting in place thereof the words "legal voters."

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

Chap. 52 AN ACT TO AUTHORIZE THE SELECTMEN OF WEST SPRINGFIELD TO REPAIR, PROTECT AND MAINTAIN THE DAM AND CHANNEL OF AGAWAM RIVER.

Be it enacted, &c., as follows:

Powers of
county commis-
sioners trans-
ferred to select-
men of West
Springfield.
1872, 132, § 8.

SECTION 1. The powers vested in the county commissioners of the county of Hampden by section eight, chapter one hundred and thirty-two of the acts of the year eighteen hundred and seventy-two, are hereby given to the selectmen of the town of West Springfield, for the purpose of repairing, protecting and maintaining the dam

and channel mentioned in said act; the expense of such repairs, protection and maintenance to be borne and paid by the town of West Springfield.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1880.

AN ACT RELATING TO THE TRUSTEES OF MILTON ACADEMY.

Chap. 53

Be it enacted, &c., as follows:

SECTION 1. The trustees of Milton Academy who may be hereafter elected shall hold office for a limited term of three years, and until their successors are chosen. But they shall at all times be eligible for re-election.

Trustees to hold office for three years.

SECTION 2. Said trustees are hereby authorized to receive and hold, for the purposes and objects expressed in their charter, real and personal estate to the same amount as other associations entered into for any educational purpose are authorized to hold real and personal estate under chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-four.

May hold real and personal estate.

SECTION 3. This act shall take effect when accepted by said trustees of Milton Academy.

Approved March 5, 1880.

AN ACT TO INCORPORATE THE TRUSTEES OF THE CHAPTER OF THE ALPHA DELTA PHI FRATERNITY IN WILLIAMS COLLEGE.

Chap. 54

Be it enacted, &c., as follows:

SECTION 1. William G. Harding, George F. Mills, William H. Swift, their associates and successors, are made a corporation under the name of the "Trustees of the chapter of the Alpha Delta Phi Fraternity in Williams College," for the purpose of holding and managing the real estate and personal property of the said chapter, with the powers and privileges and subject to the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may receive, purchase, hold and convey real and personal property for the uses of the above named society: *provided*, that the value of the real estate so held at any time shall not exceed fifty thousand dollars, and said property shall not be exempt from taxation.

Real estate not to exceed \$50,000.

SECTION 3. This act shall take effect upon its passage.

Approved March 5, 1880.

Chap. 55 AN ACT TO AUTHORIZE THE TRUSTEES OF PHILLIPS ACADEMY IN ANDOVER TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows :

Real estate not
to exceed
\$500,000.
Personal estate
not to exceed
\$1,000,000.

SECTION 1. The trustees of Phillips Academy are hereby authorized to receive, purchase and hold, by gift, grant, devise, bequest or otherwise, for the further endowment of either or both departments of the said institution and in furtherance of the design of the founders and benefactors of said academy, real estate to an amount not exceeding five hundred thousand dollars, and personal estate to an amount not exceeding one million dollars: *provided*, the income of said estate shall always be applied to the objects and purposes of the said institution and agreeably to the will of the donors.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1880.

Chap. 56 AN ACT TO EXTEND THE TIME DURING WHICH THE CITY OF WORCESTER IS AUTHORIZED TO BUY AND HOLD CERTAIN LAND FOR A PUBLIC PARK AND RESERVOIR.

Be it enacted, &c., as follows :

Time extended
for buying land
for a public
park, etc.

The city of Worcester by its city council at any time within two years from the fifteenth day of April in the year eighteen hundred and eighty may buy and hold for the purposes named in chapter one hundred and ninety-six of the acts of the year eighteen hundred and seventy-three the land therein described.

Approved March 5, 1880.

Chap. 57 AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO BUILD A BRIDGE OVER A PORTION OF MILLER'S RIVER.

Be it enacted, &c., as follows :

May build
bridge over por-
tion of Miller's
River, subject to
approval of har-
bor and land
commissioners.

SECTION 1. The Fitchburg Railroad Company is hereby authorized to build a bridge over a portion of Miller's River in the city of Boston to connect the land recently purchased by said company in Boston and Somerville, for additional terminal facilities, with the highway at the north-westerly side of the Prison Point bridge; the plan and location of said bridge shall be subject to the approval and direction of the board of harbor and land commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1880.

AN ACT TO AUTHORIZE THE BOSTON YOUNG MEN'S CHRISTIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 58*

Be it enacted, &c., as follows:

The Boston Young Men's Christian Association is hereby authorized to hold real and personal estate to an amount not exceeding in all, five hundred thousand dollars.

Real and personal estate not to exceed \$500,000.

Approved March 5, 1880.

AN ACT TO PROVIDE FOR AN ASSOCIATE MEDICAL EXAMINER IN THE COUNTY OF SUFFOLK. *Chap. 59*

Be it enacted, &c., as follows:

SECTION 1. The governor may, with the advice and consent of the council, appoint an associate medical examiner for the county of Suffolk who shall, at the request of either of the medical examiners of said county, perform the duties and exercise the powers of said medical examiners. He shall receive as compensation for his services the same fees as are now allowed to medical examiners in counties other than Suffolk, which compensation shall be deducted from the salary of the medical examiner on whose behalf the services have been performed: *provided, however,* that in no event shall such compensation exceed two hundred and fifty dollars in any one month.

Associate medical examiner for the county of Suffolk to be appointed.

Compensation.

SECTION 2. Said associate medical examiner shall hold his office for the term of seven years, but shall be liable to removal from office at any time by the governor and council for cause shown. Before entering upon his duties he shall be sworn and give bond with sureties, in the sum of five thousand dollars, to the treasurer of the county for the faithful performance of his duties.

To hold office for seven years.

To be sworn and give bond.

Approved March 5, 1880.

AN ACT TO PRESCRIBE THE METHOD OF ELECTING COLLECTORS OF TAXES IN TOWNS, AND FIXING THEIR FEES. *Chap. 60*

Be it enacted, &c., as follows:

SECTION 1. Collectors of taxes in towns, elected under the provisions of chapter eighteen of the General Statutes, shall be elected by ballot.

Collectors of taxes to be elected by ballot.

SECTION 2. The compensation of collector of taxes in towns shall be fixed by the towns at the annual meeting, or at a special meeting called for that purpose.

Compensation to be fixed at annual meeting.

Approved March 5, 1880.

Chap. 61 AN ACT TO REGULATE FISHING IN CERTAIN WATERS BY FISH POUNDS AND OTHER FIXED APPARATUS.

Be it enacted, &c., as follows :

Fisheries regulated in certain waters in counties of Dukes, Bristol, Plymouth and Barnstable.

SECTION 1. From the first day of May to the fifteenth day of June in each year no person shall set, or permit to remain set, any fish pound, weir, trap, fyke or other similar fixed apparatus for catching fish, except gill nets, between the hours of six o'clock on Saturday morning and six o'clock on the succeeding Sunday evening, so as to catch any fish, in the tidal waters of the county of Dukes County and of the county of Bristol and of the towns of Mattapoisett, Marion and Wareham in the county of Plymouth, and in the tidal waters on the westerly boundaries of the towns of Sandwich and Falmouth at and near Buzzard's Bay, and on that portion of the southerly boundary of the county of Barnstable extending from the south-westerly corner of the town of Falmouth easterly to Point Gammon in the town of Yarmouth.

Penalties.

SECTION 2. Whoever by himself or by his servants or agents, or as the servant or agent of another, violates any of the provisions of this act, shall be punished by a fine of not more than two hundred dollars nor less than one hundred dollars.

One-half of penalty for use of prosecutor.

SECTION 3. One-half of the penalty paid on conviction shall be for the use of the person commencing the prosecution whether by complaint or indictment.

Prosecutions to be commenced within three months.

SECTION 4. All prosecutions under this act shall be commenced within three months after the offence committed and not afterwards.

Fishing not permitted where now forbidden by law.

SECTION 5. The provisions of this act shall not be construed so as to permit fishing with such fixed apparatus where it is now forbidden by law.

Approved March 5, 1880.

Chap. 62 AN ACT TO AMEND CHAPTER FORTY-FOUR OF THE GENERAL STATUTES RELATING TO OBSTRUCTIONS OF HIGHWAYS.

Be it enacted, &c., as follows :

Obstructions of highways.
G. S. 44, § 8.

SECTION 1. Section eight of chapter forty-four of the General Statutes is hereby amended by inserting after the words "trees and bushes," in the third line, the words "except such as are needed for shade trees, and may dispose of the same, for the benefit of the highway: *provided*, the adjacent land owners neglect to cut and remove said trees and bushes, after thirty days' notice in writing."

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1880.

AN ACT TO AMEND AN ACT ESTABLISHING A SYSTEM OF PUBLIC WAREHOUSING. *Chap. 63*

Be it enacted, &c., as follows:

SECTION 1. Any corporation established under the laws of this Commonwealth, and having its place of business in the Commonwealth, may be licensed and appointed, under the provisions of chapter two hundred and six of the acts of the year eighteen hundred and sixty, to be a public warehouseman, upon giving bond, with sufficient sureties, to the treasurer of the Commonwealth, to be approved by the governor, for the faithful discharge of its duties, and shall be governed by all the rules, and entitled to all the privileges and subject to all the liabilities provided by law in regard to persons who may become public warehousemen under the laws of the Commonwealth.

A corporation may be appointed a public warehouseman.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1880.

AN ACT GIVING PROBATE COURTS JURISDICTION OF RIGHTS OF HUSBANDS AND WIVES, AND FOR THE PROTECTION OF MINOR CHILDREN. *Chap. 64*

Be it enacted, &c., as follows:

SECTION 1. The probate courts shall have exclusive original jurisdiction of all cases arising under chapter two hundred and five of the acts of the year eighteen hundred and seventy-four, being "An Act relating to the rights of husbands and wives, and for the protection of minor children," and under all acts and parts of acts in amendment thereof or in addition thereto. And they may enforce their orders and decrees in the same manner as the supreme judicial court may now enforce its orders and decrees in relation to the same subjects.

Exclusive original jurisdiction of cases relating to husbands and wives, etc., arising under 1874, 206.

May enforce orders and decrees.

SECTION 2. Any person aggrieved by any order, sentence, decree or denial of the probate court or judge under this act, may appeal therefrom to the supreme judicial court in the manner provided by law for probate appeals; but such appeal shall not suspend or vacate the order or other act appealed from, and the same shall remain in force until reversed or modified by the appellate court: *provided, however,* that the supreme judicial court for any county or any justice thereof, in term time or vacation, may suspend or modify the same during the pendency of such appeal.

Person aggrieved may appeal.

Providio.

SECTION 3. This act shall not affect any proceeding commenced prior to the time when the same shall take effect.

Approved March 5, 1880.

Chap. 65 AN ACT TO PROVIDE FOR THE ELIGIBILITY OF PERSONS NOT INHABITANTS OF THIS COMMONWEALTH AS OVERSEERS OF HARVARD COLLEGE.

Be it enacted, &c., as follows:

Persons not
inhabitants,
eligible.

SECTION 1. Persons not inhabitants of this Commonwealth and otherwise qualified shall be eligible as overseers of Harvard College.

To take effect
upon accept-
ance.

SECTION 2. This act shall take effect on its acceptance by the President and Fellows and by the Board of Overseers of Harvard College respectively, at meetings held for that purpose.

Approved March 5, 1880.

Chap. 66 AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE, FOR THE BETTER PROTECTION OF NEGLECTED AND DESTITUTE CHILDREN.

Be it enacted, &c., as follows:

Neglected and
destitute chil-
dren.
1873, 367.

SECTION 1. Chapter three hundred and sixty-seven of the acts of the year eighteen hundred and seventy-three is hereby amended, so that an appointment may be made in the manner therein provided, of a guardian, who shall have the custody of any minor child one of whose parents is unfit to have such custody, provided the other parent of said child files in the probate court his or her consent in writing to such appointment.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1880.

Chap. 67 AN ACT IN RELATION TO NAMES OF PUBLIC WAYS IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Names of streets
and ways not to
be duplicated.

SECTION 1. From and after the date of the passage of this act no name shall be newly assigned to any public way in the city of Boston by which any other public way is already called, whether under the title of street, avenue, court, place, alley, or other descriptive title; but any way not affording continuous passage for teams between two other ways may be termed a court or place, and receive the name of any way with which it communicates. And any extension or continuation of a public way may be called by the same name.

Street commis-
sioners to fix
names of streets
hereafter laid
out.

SECTION 2. The names of all public ways hereafter laid out by the board of street commissioners of the city of Boston shall be fixed by a vote of said board. Such

vote shall take effect upon such laying out, shall be published in such manner as said board shall direct, and shall be certified by the clerk of said board to the register of deeds for the county of Suffolk. The names of all public ways not already fixed, and changes in the names of ways, may be made by the same authority, confirmed by the board of aldermen of said city, and not otherwise. Such changes shall take effect on the first day of March of each year, shall be published in such manner as the board of aldermen shall direct, and shall be certified by the city clerk to the register of deeds for the county of Suffolk.

SECTION 3. Chapter one hundred and ninety-nine of the laws of eighteen hundred and sixty-eight is hereby repealed.

Repeal.
1868, 199.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1880.

AN ACT TO REGULATE THE TAKING OF SALMON IN THIS COMMONWEALTH. Chap. 68

Be it enacted, &c., as follows :

SECTION 1. Whoever takes or catches any salmon in any of the waters of this Commonwealth for a period of two years from and after the first day of April in the year eighteen hundred and eighty shall be punished for each offence by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the house of correction not less than two nor more than six months: *provided*, that any one catching salmon when lawfully fishing, and immediately returning them alive to the waters whence taken, shall not be subject to the penalty provided in this section.

Salmon not to be taken or caught until April 1, 1882.

Providso.

SECTION 2. Except as provided in the last clause of the preceding section, whoever takes or catches any salmon at any time in any of the waters of this Commonwealth, except with naturally or artificially baited hook and hand line, shall be punished, for each fish so taken or caught, by a fine of not less than fifty nor more than two hundred dollars.

Not to be taken at any time except with hook and hand line.

Approved March 8, 1880.

AN ACT TO CHANGE THE NAME OF THE "LADIES' AMERICAN HOME EDUCATION SOCIETY AND TEMPERANCE UNION." Chap. 69

Be it enacted, &c., as follows :

SECTION 1. The "Ladies' American Home Education Society and Temperance Union," a corporation established

Name changed to "Nickerson

Home for Children."

in Boston under the provisions of chapter two hundred and eleven of the acts of the year eighteen hundred and fifty, shall be known as the "Nickerson Home for Children," on and after the first day of April eighteen hundred and eighty.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

Chap. 70 AN ACT TO CONFIRM A MORTGAGE EXECUTED BY THE BOSTON, CLINTON, FITCHBURG AND NEW BEDFORD RAILROAD COMPANY.

Be it enacted, &c., as follows:

Indenture ratified and confirmed.

SECTION 1. The indenture dated the first day of January in the year eighteen hundred and eighty, whereby the Boston, Clinton, Fitchburg and New Bedford Railroad Company conveyed its railroad and other property in trust and mortgage to the New England Trust Company to secure certain bonds, is hereby ratified and confirmed.

To be recorded within sixty days.

SECTION 2. The provisions of law relating to recording mortgages of personal property shall be deemed to have been complied with if the said indenture is recorded within sixty days from the passage of this act in accordance with the provisions of section one of chapter one hundred and fifty-one of the General Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1880.

Chap. 71 AN ACT TO CONFIRM THE ORGANIZATION AND PROCEEDINGS OF THE BRAINTREE CEMETERY ASSOCIATION.

Be it enacted, &c., as follows:

Organization and proceedings confirmed.

SECTION 1. The acts and proceedings of Alva Morrison, Atherton T. Wild, Nathaniel H. Hunt, Joseph Dyer, junior, Francis A. Hobart and their associates in organizing the Braintree Cemetery Association, and the subsequent proceedings of the above named persons, their associates and successors under said organization, are hereby ratified and confirmed; and the Braintree Cemetery Association is hereby established as an existing corporation, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions conferred by general laws upon such corporations.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

AN ACT AUTHORIZING THE WINNISIMMET COMPANY TO HOLD *Chap. 72*
CERTAIN REAL ESTATE.

Be it enacted, &c., as follows :

The deed from Edwin Tufts to the Winnisimmet Company dated the tenth day of July in the year eighteen hundred and seventy-seven and recorded in the registry of deeds for the county of Suffolk, book thirteen hundred and eighty-one, page three hundred and twelve, is hereby made of the same effect as if said company was empowered at the time of the execution of said deed to take by conveyance the real estate described therein. And said company may hold the real estate conveyed to it by said deed.

Deed from
Edwin Tufts
confirmed.

Company may
hold real estate.

Approved March 11, 1880.

AN ACT TO INCORPORATE THE SOUTHBRIDGE WATER SUPPLY *Chap. 73*
COMPANY.

Be it enacted, &c., as follows :

SECTION 1. Francis L. Chapin, Andrew J. Bartholomew, Chester A. Dresser, William Edwards, George W. Wells, George A. Dresser, Daniel Whitford and George S. Stone, their associates and successors, are hereby made a corporation by the name of the Southbridge Water Supply Company, for the purpose of furnishing the inhabitants of Southbridge with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Water supply
for Southbridge.

Powers and
duties.

SECTION 2. Said corporation may take, hold and convey into and through the town of Southbridge or any part thereof, the water in what is known as the Glover Brook passing through the centre village, and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road

May take water
from Glover
Brook.

May lay pipes
through private
lands.

May enter upon

and dig up
roads.

To file in the
registry of
deeds, a descrip-
tion of the land
taken.

May fix rates for
use of water.

Real and per-
sonal estate not
to exceed
\$30,000.

Capital stock
and shares.

Penalty for di-
verting water or
rendering it
impure.

Town of South-
bridge and any
fire district may
purchase prop-
erty at cost.

or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act, file in the registry of deeds of the county of Worcester a description of any land so taken, sufficiently accurate for identification, and state the purposes for which it is so taken; and the title of land so taken shall vest in said corporation. Any person injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways.

SECTION 4. Said corporation may distribute the water through said Southbridge; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Southbridge or any fire district that may be hereafter established, or with individuals, to supply water for fire or for other purposes, as may be agreed upon by said town, or such fire district or individuals and said corporation.

SECTION 5. Said corporation for the purposes set forth in this act may hold real and personal estate not exceeding in amount thirty thousand dollars in value; and the whole capital stock shall not exceed forty thousand dollars to be divided into shares of fifty dollars each.

SECTION 6. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works, or property, held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECTION 7. The town of Southbridge and any fire district that may be established, shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights

and privileges of said company at the actual cost of the same, or if mutually agreed upon between said corporation and said town or any fire district which may be hereafter established in said town, at a less price; and said corporation is hereby authorized to make sale of the same to said town or such fire district; but such authority to purchase said franchise and property is granted to said town upon the condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any annual meeting or at a legal meeting called to act on that subject.

SECTION 8. This act shall take effect upon its passage.

Approved March 11, 1880.

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF TAUNTON WITH PURE WATER. Chap. 74

Be it enacted, &c., as follows:

SECTION 1. The city of Taunton for the purposes mentioned in the fifth section of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, and for defraying all costs and expenses which may be incurred under the provisions of this act additional thereto, may issue notes, scrip, bonds, or certificates of debt to be denominated on the face thereof "Taunton Water Loan," to an amount not exceeding one hundred thousand dollars in addition to the amounts authorized by said chapter and chapter seventy of the acts of the year eighteen hundred and seventy-seven, to be issued upon like terms and conditions and with like powers in all respects as are provided in said chapter two hundred and seventeen for the issue of bonds of said city: *provided*, that the whole amount of such water scrip, notes, bonds, or certificates of debt, issued by said city under the authority given by this act and the other acts above mentioned, shall not in any event exceed the amount of three hundred and fifty thousand dollars.

Water supply
for city of
Taunton.

Taunton Water
Loan.

Proviso.

SECTION 2. The city of Taunton may take and hold by purchase or otherwise such lands as it may deem necessary, adjoining the Taunton Great River within the limits of the city of Taunton or town of Raynham, in addition to the land already taken and held by said city under the provisions of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, for the purpose of extending and increasing the supply of pure water, and for laying, maintaining and con-

City of Taunton
may take land
in Taunton and
Raynham.

structing the conduits, pipes, reservoirs and other works for holding, collecting, filtering, purifying, conducting and distributing the waters of said river or such waters as may be drawn from the land taken under this and said previous acts.

To file in the registry of deeds, a description of the land taken.

SECTION 3. Said city of Taunton shall, within sixty days from the time of taking of any land as herein provided, file in the registry of deeds in which by existing laws a deed of the same is required to be recorded, a description of the land so taken sufficiently accurate for identification, and shall state therein the purposes for which it is taken, and the title of all land so taken shall vest in said city. Any person injured in his property under this act and failing to agree with said city as to the amount of damages may have the same assessed and determined in the same manner as is provided where land is taken for highways.

SECTION 4. This act shall take effect upon its passage.

Approved March 11, 1880.

Chap. 75 AN ACT TO AUTHORIZE THE CITY OF NEWTON TO ISSUE ADDITIONAL WATER SCRIP.

Be it enacted, &c., as follows :

City of Newton may issue additional water scrip.

SECTION 1. The city of Newton, in addition to the amount of water scrip authorized by chapter three hundred forty-four of the acts of the year eighteen hundred and seventy-two, and by section thirty of chapter three hundred and twenty-six of the acts of the year eighteen hundred and seventy-three, and by chapter thirty-five of the acts of the year eighteen hundred and seventy-six, may issue a further amount thereof, not exceeding the sum of one hundred thousand dollars, in accordance with the provision of the act first herein referred to and for the purposes named therein.

SECTION 2. This act shall take effect upon its passage.

Approved March, 11 1880.

Chap. 76 AN ACT TO AUTHORIZE THE TOWN OF WALTHAM TO RAISE ADDITIONAL FUNDS TO COMPLETE ITS WATER WORKS.

Be it enacted, &c., as follows :

May raise money by taxation to complete water works.

SECTION 1. The town of Waltham is hereby authorized, for the purposes named in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, to raise by taxation, or by borrowing from time to time, an amount not exceeding fifty thousand dol-

lars in addition to the amounts authorized by said act and by chapter eighty-four of the acts of the year eighteen hundred and seventy-five, upon like terms and conditions, and with like powers in all respects as provided in said acts for the raising of money.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO ESTABLISH A HOSPITAL. Chap. 77

Be it enacted, &c., as follows :

SECTION 1. The city of Haverhill is hereby authorized to erect, establish and maintain a hospital, which shall be, called the Haverhill City Hospital, for the reception of persons who may need medical or surgical treatment during temporary sickness or injury, and to hold real and personal property, which may from time to time be donated therefor, to an amount not exceeding two hundred and fifty thousand dollars, for the uses and purposes of said hospital.

May establish and maintain a hospital.

SECTION 2. Said hospital shall be under the care, control and management of a board of trustees consisting of nine persons, one of whom shall be the mayor of said city for the time being, *ex officio*, and not more than three of whom shall be physicians ; but they shall incur no expense for the said hospital, or its management, beyond the sums which shall be donated therefor, or appropriated by the city council of said city for the purposes of the hospital.

Board of trustees to consist of nine persons.

SECTION 3. The said city council by concurrent vote of both branches thereof shall elect eight persons, who with the mayor of said city for the time being shall constitute said board of trustees ; and whenever any vacancy shall occur in said board by death, resignation or other cause, such vacancy shall be filled by the remaining members of said board.

Eight trustees to be elected by city council.

SECTION 4. This act shall take effect upon its acceptance by the city council of said city of Haverhill.

Subject to acceptance.

Approved March 11, 1880.

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM. Chap. 78

Be it enacted, &c., as follows :

SECTION 1. Whenever in consequence of the death or resignation of the mayor or from any other cause, the office shall have become vacant, and the board of aldermen

Charter amended.

Vacancy in the
office of mayor.

and common council shall each have declared by vote that the office is vacant, the board of aldermen shall issue warrants for the election of a mayor for the remainder of the term for which the last mayor was elected, unless the board of aldermen and common council shall each have declared by vote that it is inexpedient so to do; and the same proceedings shall be had as are provided by law for a choice of a mayor by the inhabitants. Until such vacancy is filled as aforesaid, and whenever the mayor from absence, illness, or other temporary disability cannot perform the duties of the office, and such vacancy or disability has been declared by the board of aldermen to exist, the president of the board of aldermen shall exercise the powers and perform the duties of mayor as long as such vacancy or disability continues; but while so acting he shall not vote except when the other members of the board present and voting on any question shall be equally divided.

President of
board of alder-
men to act as
mayor, during
vacancy.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city of Salem.

Approved March 11, 1880.

Chap. 79 AN ACT TO AUTHORIZE THE TOWN OF MEDFORD TO RAISE MONEY FOR THE CELEBRATION OF THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF ITS SETTLEMENT.

Be it enacted, &c., as follows:

May raise money
to celebrate an-
niversary of set-
tlement of town.

SECTION 1. The town of Medford is authorized to raise by taxation and appropriate a sum of money not exceeding the sum of seven thousand five hundred dollars for the purpose of celebrating during the present year the two hundred and fiftieth anniversary of its settlement.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

Chap. 80 AN ACT RELATIVE TO SESSIONS AND ADJOURNMENTS OF THE FOURTH DISTRICT COURT OF PLYMOUTH.

Be it enacted, &c., as follows:

Civil and criminal
sessions of
court to be held
daily.

SECTION 1. The Fourth District Court of Plymouth shall be held for civil and criminal business daily, except on Sundays and legal holidays; and return days for writs in civil actions therein shall be at Middleborough on the first and third Tuesdays, and at Wareham on the second and fourth Thursdays of each month. Said court may adjourn from one to the other of said towns whenever the public convenience may seem to the justice presiding therein to render such adjournment expedient, and when

Adjournments.

no justice is present the court may be so adjourned by the sheriff of Plymouth county or either of his deputies.

To take full effect June 1, 1880.

SECTION 2. This act shall take effect so far as it relates to adjournments of said court on its passage, and shall take full effect on the first day of June next.

Approved March 11, 1880.

AN ACT CONCERNING THE FIRST DISTRICT COURT OF BRISTOL.

Chap. 81

Be it enacted, &c., as follows :

SECTION 1. The special justice of the first district court of Bristol holding a session of said court at Attleborough, under the provisions of chapter one hundred and eighty-nine of the acts of the year eighteen hundred and seventy-seven, may issue under his own hand and seal all mittimus, or other warrants, which may be necessary or proper in execution of the judgments rendered or sentences imposed by said justice.

Special justice holding session at Attleborough, may issue mittimus, etc., under his own hand and seal.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

AN ACT RELATIVE TO THE EMPLOYMENT OF POLICE.

Chap. 82

Be it enacted, &c., as follows :

SECTION 1. Upon the requisition of the selectmen of any town, it shall be lawful for the mayor of any city to furnish one or more police officers to serve the authorities of such town ; and while in the discharge of the duty required by such selectmen, such police officers shall have all the authority of constables and police officers within the limits of such towns, except the service of civil process ; and such city so furnishing said police officers shall be entitled to receive from such town the amount of money paid to said police officers by said city for their services during said term, including the necessary travelling expenses incurred by said officers in the discharge of such duty.

City police officers may be furnished to serve town authorities, upon requisition of the selectmen.

SECTION 2. The mayor and aldermen of any city shall have like authority to employ the police officers of any other city in the manner and upon the terms set forth in the preceding section.

City police officers may be employed in any other city.

SECTION 3. This act shall take effect upon its passage.

Pay for services and travelling expenses.

Approved March 11, 1880.

Chap. 83

AN ACT CONCERNING TELEGRAPH AND OTHER WIRES.

Be it enacted, &c., as follows:

City and town
authorities may
regulate erec-
tion of telegraph
and telephone
lines.

SECTION 1. The city council of any city, and the selectmen of any town, may establish reasonable regulations for the erection and maintenance of all telegraph and telephone lines of wire within their respective cities or towns, including fire alarm and police lines, and all other lines owned or used by said cities or towns, and may permit the same to be laid under any public way or square. In cities such regulations shall be made by ordinance.

Construction of
lines in violation
of regulations
may be re-
strained by the
supreme judicial
court.

SECTION 2. If any such line shall be constructed or maintained in violation of any such regulations, the city or town shall cause the owner or owners, constructor or constructors, or parties using the same, to be forthwith notified of such violation in writing, setting forth said violation particularly; and if after such notice the said parties or any of them shall proceed in such construction, or shall not within a reasonable time alter said lines to conform to said regulations, it shall be lawful for the supreme judicial court or any justice thereof, either in term time or vacation, to issue an injunction restraining such person or persons from further progress in said work until the facts of the case shall have been investigated and determined; and if it shall appear to the court on such investigation that any of such regulations have been violated, to restrain by injunction the further prosecution of such work, or by order to direct such line to be removed or altered, as it may deem proper, at the expense of the owners or contractors thereof, or persons using the same. In case any line belonging to or used by any city or town or any of its departments shall be constructed, or maintained, in violation of any such regulations, the like action may be taken by the court, upon the complaint of any party injured thereby, after such notice to the city or town as the court or some justice thereof may order.

Citizens of the
state may be
authorized to
establish posts,
wires, etc.

SECTION 3. Chapter sixty-four of the General Statutes shall be construed to authorize the mayor and aldermen of cities, and the selectmen of towns, to empower individuals, who are citizens of Massachusetts, to establish and maintain posts, wires and other apparatus for telegraphic and telephonic communication in conformity with the provisions of said chapter and other laws now, or hereafter, applicable to telegraph or telephone companies.

SECTION 4. This act shall take effect upon its passage.

Approved March 11, 1880.

**AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-SEVEN
OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-
SIX IN RELATION TO GRANTING CERTAIN LICENSES.**

Chap. 84

Be it enacted, &c., as follows :

SECTION 1. Chapter one hundred and forty-seven of the acts of the year eighteen hundred and seventy-six is hereby amended so that licenses granted in the city of Boston to keepers of intelligence offices, dealers in junk, old metals and second-hand articles, pawnbrokers, keepers of pool and sippio tables, billiard saloons and bowling alleys, under chapter eighty-eight of the General Statutes, shall be signed by a majority of the board of police commissioners of said city and shall be duly recorded by the clerk of said board in a book kept for that purpose ; and whenever any such license shall be revoked the said clerk shall note such revocation upon the face of the record of the license and shall give notice as required by the fourth section of said chapter one hundred and forty-seven.

Certain licenses granted in Boston to be signed by majority of commissioners.

Revocation of license to be noted upon face of record.

SECTION 2. For licenses granted to keepers of pool and sippio tables the clerk or board issuing such licenses shall be entitled to receive for the use of the city or town in which the licenses are issued the sum of two dollars for each and every table.

Fee for license to use pool and sippio tables.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1880.

**AN ACT TO PROVIDE FOR THE APPOINTMENT OF STEAMBOAT
POLICE OFFICERS.**

Chap. 85

Be it enacted, &c., as follows :

SECTION 1. The selectmen of any town or the mayor and aldermen of any city, upon the petition of any person or corporation engaged in the transportation of passengers by water for hire, having a usual place of receiving or discharging passengers within the limits of such town or city, may appoint as many as they may deem proper, of the persons in the employ of said person or corporation, police officers to act as steamboat police for the purposes and with the powers hereinafter set forth.

Steamboat police officers may be appointed.

SECTION 2. A copy of the record of the appointment of any steamboat police officer shall be filed by the person or corporation upon whose petition such order is made, with the clerk of each town or city where said person or corporation is accustomed to receive or discharge passengers and in which it is intended that such police shall act, and the filing of such order shall constitute the persons

Proviso.

named therein steamboat police within such towns or cities and upon the boats or vessels of said person or corporation while within the boundaries of the Commonwealth. Such police officers shall hold their offices during the pleasure of the selectmen or of the mayor and aldermen by whom they are appointed: *provided*, that when any person or corporation shall cease to require the services of any of the steamboat police appointed upon his or its petition, he or it shall file a notice to that effect in the several offices in which notice of such appointment was originally filed, and thereupon the power of said officer shall cease.

Officers to wear badges.

SECTION 3. Every officer of the steamboat police shall, when on duty, except as a detective, wear in plain sight a metallic badge inscribed with the words "Steamboat Police."

Powers of officers.

SECTION 4. Officers of the steamboat police shall have the same powers upon the vessels and boats of the person or corporation upon whose petition they are appointed within the boundaries of the Commonwealth, and upon the premises of said person or corporations and at the wharves and landing places used by them within the cities and towns where notices of their appointment have been filed, as are given by section one hundred and forty-five of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four to railroad police upon the premises of railroad corporations.

Approved March 11, 1880.

Chap. 86

AN ACT RELATING TO SALMON TROUT.

Be it enacted, &c., as follows:

Salmon trout not included in provisions of 1876, 221.

SECTION 1. The provisions of chapter two hundred and twenty-one of the acts of the year eighteen hundred and seventy-six shall not apply to the species of fish known as salmon trout, provided the same have not been taken in any of the waters of this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

Chap. 87

AN ACT TO AMEND SECTION TWO, CHAPTER ONE HUNDRED AND FORTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-THREE, CONCERNING ELECTIONS IN CITIES.

Be it enacted, &c., as follows:

Warden to transmit ballots to city clerk, by the constable or police officer.

SECTION 1. Section two of chapter one hundred and forty-four of the acts of the year eighteen hundred and sixty-three is hereby amended so that it shall read: "The

warden or other presiding officer shall forthwith transmit the ballots sealed as aforesaid to the city clerk, by the constable or police officer in attendance at said election; and the clerk shall retain the custody of the seal, and deliver the same, together with the records of the ward and other documents, to his successor in office."

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1880.

AN ACT IN RELATION TO LICENSING PUBLIC EXHIBITIONS IN WHICH CHILDREN ARE EMPLOYED.

Chap. 88

Be it enacted, &c., as follows:

SECTION 1. No license shall be granted for any theatrical exhibition or public show in which children under the age of fifteen years and belonging to the public schools are employed or allowed to take part as performers on the stage in any capacity, or where in the opinion of the board authorized to grant licenses such children are employed in such a manner as to corrupt their morals or impair their physical health; but nothing herein contained shall prevent the giving of special permission as provided by chapter one hundred and seventy-two of the acts of the year eighteen hundred and seventy-seven.

License for public show not to be granted, where children of the public schools under fifteen years, are employed.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1880.

AN ACT TO REPEAL SECTION ONE OF CHAPTER ONE HUNDRED AND FIFTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE RELATING TO THE LEASING OF GREAT PONDS IN THE COUNTY OF DUKES COUNTY.

Chap. 89

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter one hundred and fifteen of the acts of the year eighteen hundred and seventy-five relating to the leasing of great ponds in the county of Dukes County is hereby repealed.

Repeal of 1875, 115, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1880.

AN ACT TO INCORPORATE THE MALDEN AND MEDFORD PAROCHIAL CEMETERY ASSOCIATION.

Chap. 90

Be it enacted, &c., as follows:

SECTION 1. Thomas Gleeson, Cornelius Cronin, Patrick Connell, their associates and successors, are hereby made a corporation under the name of the Malden and Medford Parochial Cemetery Association, for the purpose of holding,

Corporators.

Name and purpose.

Powers and
duties.

managing and perpetuating places for the burial of the dead, located and to be located in the towns of Malden and Medford in the county of Middlesex; and shall have all the powers and privileges and be subject to all the duties and liabilities set forth in chapter twenty-eight of the General Statutes, except as is otherwise provided in this act.

May hold real
estate in Malden
and Medford
for a burial
ground.

SECTION 2. The said corporation is hereby empowered to take and hold by purchase or gift, in fee simple, so much real estate in the towns of said Malden and Medford, not exceeding fifty acres, and so much personal property, as may be necessary for the purposes of said corporation, and shall hold the real estate aforesaid for burial ground, and for the erection of tombs, cenotaphs or other monuments, for or in memory of the dead; and for this purpose may lay out the same in convenient and suitable lots, and construct such suitable buildings and appendages as said corporation may from time to time deem expedient, subject, however, to the provisions of section five of chapter twenty-eight of the General Statutes.

May grant ex-
clusive right of
burial in the
lots, etc.

SECTION 3. The said corporation shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial in any of the aforesaid lots, and of erecting tombs and cenotaphs, and of ornamenting the same, upon such terms and conditions and subject to such regulations as said corporation shall prescribe.

SECTION 4. This act shall take effect upon its passage.

Approved March 12, 1880.

Chap. 91 AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE, AND PREVIOUS YEARS.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified herein, to wit:—

Sheriffs' fees.

For sheriffs' fees in distributing proclamations, etc., a sum not exceeding five hundred dollars.

Commitments,
etc.
Reformatory
prison.

For expenses incurred in commitment of prisoners to the reformatory prison for women, and removals therefrom, six hundred and forty-one dollars and sixty-five cents.

Expenses of
commissioners
of prisons.

For expenses of the commissioners on prisons, being for travelling expenses, printing and stationery, four hundred and forty-six dollars and fifty-two cents.

For expenses in connection with the sewerage at the prison for women, one thousand two hundred and twenty dollars and sixty-five cents.

Sewerage at prison for women.

For travelling expenses of members of the board of education, one hundred and seventy-four dollars and ninety-seven cents.

Expenses of board of education.

For compensation and expenses of the cattle commissioners, and for expenses of disposing of diseased cattle, etc., five hundred and ninety dollars and seventy-one cents.

Cattle commissioners.

For board and tuition of state beneficiaries in the asylums for the deaf and dumb, six thousand and thirty-four dollars and ninety cents.

Deaf and dumb beneficiaries.

For mileage of the lieutenant-governor and council, two hundred and ninety-five dollars and fifty-six cents.

Mileage of lieutenant-governor and council.

For support of lunatic paupers in various state hospitals, a sum not exceeding thirteen thousand dollars.

Lunatic paupers.

For salaries at the industrial school for girls at Lancaster, one thousand and nine dollars and ninety-nine cents.

Salaries at industrial school.

For travelling expenses of the advisory board of women, sixty-two dollars and ninety-one cents.

Expenses of advisory board.

For printing and binding one thousand extra copies of the report of the bureau of statistics of labor, four hundred and seventy-eight dollars and fifty-five cents.

Printing and binding.

For expenses incurred in the arrest of a fugitive from justice, in the year one thousand eight hundred and seventy-eight, one hundred and eighteen dollars and thirty-six cents.

Fugitives from justice.

For printing the report of the committee on convict labor, and contingent expenses of said committee, seven hundred and nineteen dollars and thirty-two cents.

Printing, etc., of committee on convict labor.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1880.

AN ACT RELATIVE TO THE PRINTING AND DISTRIBUTING OF Chap. 92 BALLOTS AT ELECTIONS.

Be it enacted, &c., as follows:

SECTION 1. No person shall print any ballot for use at any election for the choice of any national, state, district, county, city or town officers, or shall distribute at any such election, any printed ballot, containing the names of more than three candidates, unless the same are of plain white paper, and in weight not less than that of ordinary printing paper, and are not more than five nor less than four and a half inches in width, and are not more than twelve and a half nor less than eleven and a half inches in length,

Printed ballots to be of plain white paper.

Size of ballot.

Names to be in capital letters not less than one-eighth nor more than one-quarter of an inch in height.

Penalties.

Repeal of 1879, 286.

Proviso.

and unless the same are printed with black ink on one side of the paper only and contain no printing, engraving, device, or mark of any kind upon the back of the ballot. The names of candidates shall be printed at right angles with the length of the ballot, in capital letters not less than one-eighth nor more than one-quarter of an inch in height; and no name of any person appearing upon any ballot as a candidate for any office shall be repeated thereon with respect to the same office. Nothing herein contained shall authorize the refusal to receive or count any ballot for any want of conformity with the requirements of this act.

SECTION 2. Any person or persons offending against any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding sixty days.

SECTION 3. Chapter two hundred and eighty-six of the acts of the year eighteen hundred and seventy-nine is hereby repealed: *provided*, nothing herein contained shall affect any prosecutions or proceedings had or begun prior to the date upon which this act takes effect.

Approved March 12, 1880.

Chap. 93 AN ACT TO AMEND AN ACT IN RELATION TO COUNTY TEACHERS' ASSOCIATIONS.

Be it enacted, &c., as follows:

Bounty of \$25 to be paid if annual meeting is held for one day.
1864, 58.

SECTION 1. Chapter fifty-eight of the acts of the year eighteen hundred sixty-four, entitled "An Act in relation to County Teachers' Associations," is hereby amended by striking out the words "two days" in the first section thereof, and inserting in place thereof the words "one day."

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1880.

Chap. 94 AN ACT TO EXTEND THE PROVISIONS OF CHAPTER EIGHTY-EIGHT OF THE GENERAL STATUTES TO POOL AND SIPPIC TABLES.

Be it enacted, &c., as follows:

Licenses may be granted for keeping pool and sippic tables.

Chapter eighty-eight of the General Statutes is hereby amended so that all the provisions thereof relating to billiards, billiard rooms and billiard tables, shall apply to "pool" and "sippic," and pool and sippic rooms and tables.

Approved March 12, 1880.

AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO RAISE MONEY FOR THE CELEBRATION OF THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF ITS SETTLEMENT. *Chap. 95*

Be it enacted, &c., as follows :

SECTION 1. The town of Watertown is hereby authorized to raise by taxation and appropriate a sum of money not exceeding the sum of five thousand dollars, for the purpose of celebrating the two hundred and fiftieth anniversary of its settlement, during the present year.

May raise money for celebration of anniversary of settlement.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1880.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE SUTTON MANUFACTURING COMPANY. *Chap. 96*

Be it enacted, &c., as follows :

SECTION 1. All meetings whether for organization or for conducting its business after organization heretofore held by the Sutton Manufacturing Company since its charter by chapter one hundred and seventy-five of the acts of the year eighteen hundred and thirty-six, and all proceedings, votes and contracts of said corporation, all deeds from or to it, all issues of stock by it, all recorded transfers of its stock, and other records of the corporation, and all other acts of said corporation purporting or intended to have been done under its charter, shall be of the same validity and have the same force and effect as if said meetings had been regularly and properly called and holden within the Commonwealth and the records of transfers of stock had been made and kept in the Commonwealth and the officers whose duty it was to record transfers of stock and the clerk of the corporation had constantly resided in this Commonwealth.

Meetings and proceedings of corporation legalized.

SECTION 2. The Sutton Manufacturing Company is further authorized to hold a meeting at the call of a justice of the peace for the county of Worcester, according to the provisions of section five of chapter sixty-eight of the General Statutes, for the purposes named in that and in the following section.

Meeting for choice of clerk and to fill vacancies.

G. S. 68, §§ 5, 6.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1880.

- Chap. 97** AN ACT TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED AND SIXTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-TWO, CONCERNING OFFENCES AGAINST CHASTITY, MORALITY AND DECENCY.

Be it enacted, &c., as follows:

Amendment to
1862, 168, § 1.

Section one of chapter one hundred and sixty-eight of the acts of the year eighteen hundred and sixty-two is hereby amended by inserting after the word "language," in the third line of said section the words "or manifestly tending to the corruption of the morals of youth."

Approved March 13, 1880.

- Chap. 98** AN ACT TO AMEND SECTION NINE OF CHAPTER ONE HUNDRED AND FIFTY-FIVE OF THE GENERAL STATUTES RELATING TO THE LIMITATION OF ACTIONS.

Be it enacted, &c., as follows:

Limitation of
actions.
G. S. 155, § 9.

SECTION 1. Section nine of chapter one hundred and fifty-five of the General Statutes relating to the limitation of actions when defendants are out of the state is hereby amended by adding thereto the following words, viz.: *provided*, that no action shall be brought by any person whose cause of action has been barred by the laws of any state, territory or country while he resided in such state, territory or country.

SECTION 2. This act shall take effect on the first day of July of the current year.

Approved March 13, 1880.

- Chap. 99** AN ACT TO AMEND "AN ACT RELATING TO THE LICENSING OF CONDUCTORS, DRIVERS AND DESPATCHERS OF HORSE CARS IN THE CITY OF BOSTON."

Be it enacted, &c., as follows:

Licensing of
conductors, etc.,
of horse cars in
Boston.
1879, 59, §§ 1, 5.

SECTION 1. Section one of chapter fifty-nine of the acts of the year eighteen hundred and seventy-nine is amended in the tenth line by inserting after the word "may," the words "after due notice and a hearing." Section five of said act is amended by striking out in the fifth line the word "twelve," and inserting the word "two;" and by adding at the end of the section the words "unless by the assent of said commissioners."

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1880.

AN ACT TO EXTEND THE PROVISIONS OF CHAPTER FOUR HUNDRED AND ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR IN RELATION TO THE TAKING OF LAND BY THE FITCHBURG RAILROAD COMPANY.

Chap. 100

Be it enacted, &c., as follows:

SECTION 1. The time within which the Fitchburg Railroad Company may avail itself of the rights and privileges granted by chapter four hundred and one of the acts of the year eighteen hundred and seventy-four is hereby extended to June thirtieth, eighteen hundred and eighty-five.

Time extended for taking lands for depot and terminal purposes.

SECTION 2. Said chapter of the acts of the year eighteen hundred and seventy-four and this act shall not authorize said Fitchburg Railroad Company to take any lands east of Charles River Avenue or Charles River bridge in any part of the city of Boston.

Not to take lands east of Charles River Avenue or Charles River bridge in Boston.

Approved March 16, 1880.

AN ACT IN REGARD TO EMPLOYMENT OF PERSONS CONFINED IN JAILS.

Chap. 101

Be it enacted, &c., as follows:

SECTION 1. Persons hereafter committed to the jails of this Commonwealth upon sentences may be required to labor, unless the court in imposing the sentence shall otherwise order: *provided, however,* that this provision shall not apply to persons committed by the authority of the courts of the United States.

Prisoners in jails may be required to labor.

Proviso.

SECTION 2. So much of section three of chapter one hundred and seventy-eight of the General Statutes as is inconsistent herewith is hereby repealed.

Repeal.
G. S. 178, § 3.

Approved March 16, 1880.

AN ACT TO CHANGE THE NAME OF THE EAST WEYMOUTH FIVE CENTS SAVINGS BANK.

Chap. 102

Be it enacted, &c., as follows:

SECTION 1. The corporate name of the East Weymouth Five Cents Savings Bank is hereby changed, and the said corporation shall hereafter be known as the East Weymouth Savings Bank.

Name changed to the East Weymouth Savings Bank.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1880.

Chap. 103 AN ACT CONCERNING THE MIDDLESEX AND THE MEDFORD AND CHARLESTOWN RAILROAD COMPANIES.

Be it enacted, &c., as follows:

The Medford and Charlestown, and the Middlesex Railroads may unite.

SECTION 1. The Medford and Charlestown Railroad Company is hereby authorized to unite and consolidate with the Middlesex Railroad Company, at such time and on such terms as may be mutually agreed upon by said corporations; and when thus united said corporations shall constitute one corporation under the name of the Middlesex Railroad Company: *provided, however*, that the terms of such union shall be approved by a majority in interest of the stockholders of each of said corporations respectively, present and voting at meetings called for the purpose, at which a quorum shall be represented.

Proviso.

Powers of new corporation.

SECTION 2. The corporation formed as aforesaid shall have, hold, possess and enjoy, all the powers, privileges, rights, franchises, property and estates, which at the time of such union may be held and enjoyed by each of the corporations so united; and shall be subject to all the duties, restrictions and liabilities to which they may be at that time severally subject.

May increase capital stock.

SECTION 3. The Middlesex Railroad Company is hereby authorized to increase its capital stock to an amount not exceeding one million of dollars.

Redemption of bonds.

SECTION 4. Three hundred and fifty thousand dollars of said stock shall be applied to the payment or redemption of the bonds of said company already issued under the following dates, to wit:—the first day of February, eighteen hundred and seventy-five, and the first day of July, eighteen hundred and seventy-seven, at or before maturity; and the issue of said bonds is hereby legalized and made valid, and the holders thereof may convert them into stock as said bonds mature, unless redeemed by the company before maturity.

Issue of bonds legalized.

Charter extended.

SECTION 5. So much of section fourteen of chapter four hundred and thirty-four of the acts of the year eighteen hundred and fifty-four as limits the existence of the said Middlesex Railroad Company to the period of fifty years from the passage of said act, is hereby repealed, and the existence of said corporation shall remain subject only to the general provisions of law.

Obligations and liabilities not impaired.

SECTION 6. Nothing in this act shall release said Middlesex Railroad Company from any obligation or liability under which they now are, or alter, impair, or in any way affect any lease or contract of said Middlesex Railroad

Company with the Malden and Melrose Railroad Company or any other party or parties.

SECTION 7. This act shall take effect upon its passage.

Approved March 17, 1880.

**AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED
THE PRESENT YEAR, AND FOR OTHER PURPOSES.** *Chap. 104*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Common-
wealth, from the ordinary revenue, for the purposes speci-
fied in certain acts and resolves of the present year, and
for other purposes, to wit: —

In the resolve chapter four, providing for printing extra Printing
copies of sundry reports, a sum not exceeding two hun- reports.
dred dollars.

In the resolve chapter five, in favor of the town of Town of
Yarmouth, the sum of thirteen dollars. Yarmouth.

In the resolve chapter six, in favor of the state alms- State alms-
house at Tewksbury, the sum of four thousand dollars. house.

In the resolve chapter seven, in favor of the state State library.
library, the sum of one thousand and five hundred dol-
lars.

In the resolve chapter nine, to provide for reprinting Printing docu-
certain documents destroyed by fire, a sum not exceeding ments, de-
thirteen hundred and sixty dollars. stroyed by fire.

In the resolve chapter ten, providing for the purchase Purchase of
of blue books of the year one thousand eight hundred and "blue books."
seventy-eight and of the year one thousand eight hundred
and seventy-nine, a sum not exceeding four hundred dol-
lars.

In the resolve chapter eleven, providing for printing State primary
extra copies of the report of the state primary school at school.
Monson, a sum not exceeding two hundred dollars.

For travelling and incidental expenses of the commis- Expenses of
sioners on savings banks, the same to include expenses in- commissioners
curred in auditing the accounts of county officers, a sum of savings
not exceeding two thousand dollars. banks.

For the Massachusetts school for idiotic and feeble- Idiotic and
minded youth, a sum not exceeding seventeen thousand feeble-minded
five hundred dollars. youth.

The unexpended balance of the appropriation made in Common-
chapter two hundred and thirty-seven of the acts of the wealth's flats at
year eighteen hundred and seventy-eight, for the purpose South Boston.
of enforcing and executing the provisions and require-
ments of existing laws relating to the Commonwealth

flats at South Boston, may be used for expenses in accordance with the provisions of said act.

Visitors of the board of health, etc.

For travelling and necessary expenses of the auxiliary visitors of the board of health, lunacy and charity, a sum not exceeding one thousand five hundred dollars.

Surgeon-general.

In the act establishing the salary of the surgeon-general, the sum of one thousand two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

Chap. 105

AN ACT TO ENABLE THE HOOSAC VALLEY AGRICULTURAL SOCIETY TO OBTAIN ITS STATE BOUNTY.

Be it enacted, &c., as follows :

To receive the state bounty.

SECTION 1. The treasurer of the Commonwealth is hereby directed to pay to the Hoosac Valley Agricultural Society the bounty it would have been entitled to receive, had it made its annual return on the tenth of January in the year eighteen hundred and seventy-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

Chap. 106

AT ACT TO INCORPORATE THE FIRST BAPTIST CHURCH OF QUINCY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. D. Howard Bills, Robert Clark, William B. Lougee, Samuel E. Johnson and all other members of the First Baptist Church in Quincy, and their successors as members of said church, are hereby made a corporation with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are or hereafter may be in force applicable to religious societies.

Powers and duties.

Name.

SECTION 2. Said corporation shall be called "The First Baptist Church of Quincy."

Real and personal estate.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars, for parochial and religious purposes.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1880.

Chap. 107

AN ACT IN RELATION TO PENSIONING DISABLED MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF BOSTON, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Members of fire department may be retired upon pensions.

SECTION 1. The board of fire commissioners of the city of Boston by the affirmative vote of all the members, and

with the approval of the mayor, may retire from office in the fire department any permanent or call member thereof who has become disabled while in the actual performance of duty, or any permanent member who has performed faithful service in the department for a period of not less than fifteen consecutive years, and place the member so retired upon a pension roll. No such member shall be placed on the pension roll unless it shall be certified to the board in writing by the city physician that such member is permanently incapacitated either mentally or physically from performing his duty as a member of the department. In case of total permanent disability caused in or induced by the actual performance of his duty, the amount of annual pension shall be one-half of the annual compensation allowed to the permanent men of the grade in which said member served, or such less sum as the said board may determine. The pension of members of the permanent force who have served fifteen or more consecutive years shall be an amount not exceeding one-third the annual salary or compensation of the office from which said members are retired, or such less sum as the board may determine.

Pension to be one-half of pay if disability is total.

Pension of members who have served fifteen years.

SECTION 2. If any member of the said fire department shall die from injuries received while in the discharge of his duties and shall leave a widow, or if no widow any child or children under the age of sixteen years, a sum not exceeding three hundred dollars may be paid by way of annuity to such widow so long as she remains unmarried, or to any such child or children so long as he or they continue under the age of sixteen years, and the board of fire commissioners may from time to time order such annuity to be reduced.

If member dies from injuries, an annuity to be paid to his widow.

SECTION 3. For the purpose of carrying out the provisions of the foregoing sections, the board of fire commissioners may with the approval of the mayor expend such sums as may be specially appropriated therefor by the city council for the relief of widows or children of members of the fire department who have been killed in the execution of their duty or have died from the effect of injuries received in the execution of their duty. For the payment of the pensions herein before authorized, the board of fire commissioners may draw from time to time upon the city treasurer of Boston any sums which may be specially appropriated therefor by the city council.

Relief of widows and children of firemen who have been killed in the line of their duty.

SECTION 4. The mayor of the city of Boston for the time being and his successors in office, the board of fire

Mayor and fire commissioners to be a body

corporate for
purpose of hold-
ing funds.

To be known as
The Boston
Firemen's
Relief Fund.

Powers and
duties.

commissioners of the city of Boston for the time being and their successors in office, shall together continue a body corporate for the purposes of receiving and holding all sums of money, and real and personal estate not exceeding in the aggregate two hundred thousand dollars which may be given, granted, bequeathed or devised to it for the benefit of members of the Boston Fire Department or their families requiring assistance, or for the benefit of any persons or the families of any persons who have been such members requiring assistance. The property so held shall be known as The Boston Firemen's Relief Fund. The said body corporate shall have authority to manage and dispose of the same and the income thereof according to their best discretion, subject to the provisions of any and all trusts which may be created for the purposes aforesaid. Said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to similar corporations.

SECTION 5. This act shall take effect upon its passage.

Approved March 17, 1880.

Chap. 108

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF PUBLIC URINALS IN THE CITY OF LOWELL.

Be it enacted, &c., as follows :

May maintain
public urinals.

Assessment of
damages.

Proviso.

SECTION 1. The city council of the city of Lowell is hereby authorized to erect and maintain urinals for public use in any street, way, court, public square, common or common lands in said city, and likewise on private land in said city, with the consent of the owner thereof, and upon such terms as may be agreed to by said city council and said owner. And any owner of land who suffers any injury in his property by reason of the construction of any urinal as aforesaid, may, at any time within one year after the order or resolution of said city council for said construction shall be approved by the mayor of said city, or shall otherwise become in force, apply to the superior court for the county of Middlesex for assessment of his damages by a jury, and have his damages ascertained in the manner provided where land is taken in laying out highways: *provided*, that at any time within six months after such order or resolution is in force, the mayor and aldermen of said city may assess the damages to any owner of property injured by such construction of a urinal; and if the amount of such assessment of damages shall equal or exceed the sum assessed by a jury granted as before provided, the

costs incurred by reason of the application for a jury shall be paid by the applicant for said jury, otherwise all such costs shall be paid by said city of Lowell.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-ONE OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT RELATIVE TO PLANTATIONS OF TIMBER TREES.

Chap. 109

Be it enacted, &c., as follows :

SECTION 1. Section one of chapter one hundred and thirty-one of the acts of the year one thousand eight hundred and seventy-eight, is hereby amended by striking out in the eighth line the word "white," before the word "pine," so that it shall include in its provisions all pine trees.

Plantations of
timber trees.
1878, 181, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

AN ACT PROVIDING A PENALTY FOR THROWING MISSILES AT CARS AND PASSENGERS ON STEAM AND HORSE RAILROADS.

Chap. 110

Be it enacted, &c., as follows :

SECTION 1. Whoever wilfully throws or shoots any missile at a locomotive engine, railroad car or street railway car, or at any person on a locomotive engine, railroad car or street railway car, or shall in any way assault or interfere with any conductor, engineer or brakeman, while in the discharge of his duty, on or near any engine, car or train, on any railroad, or shall in any way assault or interfere with any conductor or driver while in the discharge of his duty, on or near any street railway car, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the jail or house of correction not exceeding one year, or both. Any person offending against the provisions hereof may be arrested without a warrant by any officer authorized to serve criminal process, and shall be kept in custody in jail or other convenient place not more than twenty-four hours, Sundays and legal holidays excepted ; at or before the expiration of which time such person shall be brought before a court or magistrate having jurisdiction in such case and proceeded against according to law.

Penalties for
throwing
missiles at
engines or cars.

Officer may
arrest without
a warrant.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

Chap. 111 AN ACT TO AUTHORIZE TOWNS TO ESTABLISH AND MAINTAIN PUBLIC READING ROOMS.

Be it enacted, &c., as follows:

Towns may establish public reading rooms in connection with their public libraries.

SECTION 1. Any town which now maintains in whole or in part a public library therein, for the use of the inhabitants thereof, or which may hereafter do so, may, at a legal meeting, grant and vote money for the establishment and maintenance of a public reading room, in connection with said library, and for the use of the inhabitants of said town, to be under the control and management of the board of trustees of said library or of such other persons as have control and management of said library; and such town may receive, hold and manage any devise, bequest or donation for the establishment or maintenance of any such reading room.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

Chap. 112 AN ACT TO AMEND AN ACT TO ENABLE TOWNS TO ABOLISH THE SCHOOL DISTRICT SYSTEM.

Be it enacted, &c., as follows:

No defect in vote to establish, shall nullify vote to abolish the school district system. 1873, 96, § 1.

SECTION 1. Section one of chapter ninety-five of the acts of the year eighteen hundred and seventy-three is hereby amended by adding thereto after the words "sixty-nine," the following words:—No informality or insufficiency of geographical description, or other defect in the establishment of school districts, which have been actually maintained in any town which has voted or may hereafter vote to abolish the school district system, shall affect or nullify the action of such town in such abolition of such districts, or prevent said town from taking possession of all the common school property of the town and proceeding in relation thereto as is provided in said chapter one hundred and ten, and four hundred and twenty-three, of the acts of eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1880.

Chap. 113 AN ACT TO REGULATE THE SALE OF VINEGAR.

Be it enacted, &c., as follows:

Sale of vinegar regulated, under penalty.

SECTION 1. Every person who shall manufacture for sale, or who shall offer or expose for sale, as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively of said apple cider, but into which any foreign substances, ingre-

dients, drugs or acids have been introduced, as shall appear by proper tests, shall for each such offence be punished by a fine of not less than fifty nor more than one hundred dollars.

SECTION 2. Every person who shall manufacture for sale, or who shall offer or expose for sale, any vinegar found upon proper tests to contain any preparation of lead, copper, sulphuric acid or other ingredient injurious to health, shall for each such offence be punished by a fine of not less than one hundred dollars.

Manufacture of vinegar regulated, under penalty.

SECTION 3. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more persons to be inspectors of vinegar for their respective places, who shall before entering upon their duties be sworn to the faithful discharge of the same.

Inspectors to be appointed.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1880.

AN ACT IN RELATION TO COMMITMENTS TO THE REFORMATORY PRISON FOR WOMEN.

Chap. 114

Be it enacted, &c., as follows :

SECTION 1. No convict shall be sentenced to the reformatory prison for women for a less time than one year.

Sentence not to be less than one year.

SECTION 2. Any convict who would now be punishable by imprisonment in the reformatory prison for women may hereafter be sentenced to any jail or house of correction, or to the state workhouse, or to the house of industry at Deer Island, for the same period as that for which she would otherwise as now provided by law be sentenced to the reformatory prison for women.

May be sentenced to state workhouse, etc., instead of reformatory prison.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved March 17, 1880.*

Repeal.

AN ACT TO ENABLE THE PROPRIETORS OF LOCKS AND CANALS ON MERRIMACK RIVER TO IMPROVE THE WATER POWER USED BY THEM.

Chap. 115

Be it enacted, &c., as follows :

SECTION 1. The proprietors of locks and canals on Merrimack River are hereby empowered to purchase, hold and transfer, such real and personal property in the State of New Hampshire, as certain manufacturing corporations are authorized to acquire and hold, under chapter forty-eight of the acts of the year eighteen hundred and forty-six.

May purchase and transfer property in New Hampshire. 1846, 48.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1880.

Chap. 116 AN ACT REGULATING THE USE OF PORTABLE STEAM ENGINES AND BOILERS.

Be it enacted, &c., as follows :

Steam engines and boilers may be inspected.

When found unsafe, use may be prohibited.

If used contrary to orders, to be deemed common nuisances.

SECTION 1. The fire commissioners of the city of Boston, the mayor and aldermen of any other city, or the selectmen of any town, or any person by them authorized, may after notice to the parties interested examine any portable steam engine or steam boiler therein; and if upon such examination it shall appear probable that the use of such engine or boiler is unsafe to persons or property, they may issue a temporary order to suspend such use, and if after giving the parties interested, so far as known, an opportunity to be heard, they adjudge such engine or boiler defective, or unsafe to persons or property, or unfit to be used, they may pass a permanent order prohibiting the use thereof until it is rendered safe. If after notice to the owner, or person having charge thereof, such engine or boiler is used contrary to either of such orders, it shall be deemed a common nuisance, without any other proof thereof than its use.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1880.

Chap. 117 AN ACT TO INCORPORATE THE AMERICAN BELL TELEPHONE COMPANY.

Be it enacted, &c., as follows :

Corporators.

May organize under 1870, 224.

Corporation may become a stockholder in or interested

SECTION 1. Alexander Graham Bell, William H. Forbes, George Z. Silsbee, Richard S. Fay, Alexander Cochrane, George L. Bradley, Francis Blake, junior, Thomas Sanders and Charles Eustis Hubbard, and their associates, may associate themselves and organize a corporation according to the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, and the acts in amendment thereof and addition thereto, for the purpose of manufacturing, owning, selling, using and licensing others to use, electric speaking telephones and other apparatus and appliances pertaining to the transmission of intelligence by electricity, and for that purpose constructing and maintaining by itself and its licensees public and private lines and district exchanges, with a capital stock exceeding one million of dollars, and not exceeding ten millions of dollars.

SECTION 2. For the purposes aforesaid, said corporation may become a stockholder in or become interested with other corporations hereafter organized for like purposes,

or already established for the transaction of telephonic business under its patents and no others: *provided*, that said corporation shall not become a stockholder in any other corporation doing business in this state to an amount exceeding thirty per cent. of the capital stock of said last-named corporation. And it and its licensees may, within this Commonwealth, enjoy the rights given by chapter sixty-four of the General Statutes and acts amendatory thereof, and shall be subject to the liabilities therein imposed; but section ten of said chapter shall only apply to their public lines; and the apportionment provided by section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts amendatory thereof, shall be made upon the number of telephones in use by it, or under its authority, or with its permission, or under letters patent owned or controlled by it within and without this Commonwealth respectively; and the returns to be made under said act shall state the facts required for such apportionment in such form as the tax commissioner may determine; and it shall be the duty of said tax commissioner, or his deputy, to annually examine the books, accounts and papers of said corporation, so far as may be necessary for the verification of said returns.

with other
telephonic
corporations.
Proviso.

Form of returns
to be determined
by tax com-
missioner.

SECTION 3. When an injury is done to a person or to property by the posts, wires, telephones, or other apparatus of the corporation, caused by any negligence on the part of itself or its officers, or on the part of any of its agents, servants, employés or operatives, the corporation shall be responsible in damages to the party injured.

Damages.

SECTION 4. The franchise or charter of said corporation shall not be sold or offered for sale, or leased to any company, or to any person or association of persons, without the consent of the legislature; and any contract made contrary to the provisions of this act shall be void. And this charter may be revoked by the legislature for any cause which they deem sufficient.

Franchise not to
be sold or leased
without consent
of legislature.

Charter may be
revoked.

SECTION 5. The provisions of the first and second sections of the three hundred and tenth chapter of the acts of the year eighteen hundred and sixty-eight, shall apply to said telephone company and its licensees.

Subject to gen-
eral laws and
to provisions of
1868, 310, §§ 1, 2.

Said corporation shall be subject to all general laws that now are, or that may be hereafter in force, relating to similar corporations, so far as the same shall not be inconsistent with the provisions of this act.

SECTION 6. This act shall take effect upon its passage.

Approved March 19, 1880.

Chap. 118 AN ACT TO AMEND SECTION SEVEN OF CHAPTER ONE HUNDRED AND FIFTEEN OF THE GENERAL STATUTES, RELATING TO EXCEPTIONS IN ACTIONS AT LAW.

Be it enacted, &c., as follows :

Decisions upon pleas in abatement or motions to dismiss, etc., to be final.
G. S. 115, § 7.

Exceptions to ruling, etc., in matters of law, on motions for new trial.

Exceptions to be filed with clerk, and notice given to adverse party within three days and before adjournment of term.

Further time may be granted upon good cause shown.

Adverse party to be heard upon allowance of exceptions.

SECTION 1. Section seven of chapter one hundred and fifteen of the General Statutes is hereby amended so as to read as follows:— Decisions of a justice of either court, upon pleas in abatement or on motions to dismiss for defect of form in process, shall be final on the question raised. On motions for a new trial, and in all cases, civil or criminal, whether according to the course of the common law or otherwise, a party aggrieved by an opinion, ruling, direction, or judgment, of the court in matters of law, may allege exceptions thereto; such exceptions, being reduced to writing in a summary mode, shall be filed with the clerk and notice thereof given to the adverse party before the adjournment without day of the term in which the exceptions are taken and within three days after the verdict in the case, or after the opinion, ruling, direction, or judgment excepted to is given. For good cause shown a further time not exceeding five days, unless by consent of the adverse party, may be allowed by the court. It shall be the duty of the clerk immediately on the filing of the exceptions to present them to the court. The exceptions being examined and found conformable to the truth shall be allowed by the presiding judge. In all cases the adverse party shall have an opportunity to be heard concerning the allowance of such exceptions.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1880.

Chap. 119 AN ACT TO AMEND “AN ACT TO PREVENT FRAUDS IN THE SALE OF SEWING THREAD.”

Be it enacted, &c., as follows :

Thread for sale on spools, etc., to be labelled with length in yards, or the weight.
1878, 169, § 1.

SECTION 1. Chapter one hundred and sixty-nine of the acts of the year one thousand eight hundred and seventy-eight is hereby amended by striking out therefrom section one and inserting instead thereof the following:—

“Every manufacturer of cotton, linen or silk sewing thread, or person engaged in putting up such thread on spools, or in packages not wound on spools, of four ounces weight or less, intended for sale, shall before the same is offered for sale, affix to or impress upon each spool of such thread and upon each package of such thread not wound on spools, a label or stamp designating the quantity of

thread each spool or package contains, either by giving the length in yards or by giving the weight." Also, by striking out therefrom section three and inserting instead thereof the following: — "Any merchant, jobber or trader who shall sell or offer for sale cotton, linen or silk sewing thread, put up either on spools, or in packages not wound on spools, of the weight of four ounces or less, that is not labelled or stamped, or that is falsely labelled or stamped as regards length or quantity by an amount greater than five per cent. shall be liable to the penalty prescribed in the preceding section."

Penalty for
affixing false
label.
1878, 189, § 3.

SECTION 2. This act shall take effect upon the first day of July in the year eighteen hundred and eighty.

To take effect
July 1, 1880.

Approved March 19, 1880.

**AN ACT IN RELATION TO COMMITMENTS TO THE STATE PRISON
AND REFORMATORY PRISON FOR WOMEN, AND REMOVALS OF
PRISONERS.**

Chap. 120

Be it enacted, &c., as follows:

SECTION 1. When a person is sentenced to imprisonment in the state prison or in the reformatory prison for women, the proceedings in relation to his or her commitment shall be the same as are now required by law in the commitment of a person sentenced to imprisonment in the house of correction.

Commitments to
state and
reformatory
prisons.

SECTION 2. The costs of the commitment of a person to either of said prisons shall be paid by the county from which the prisoner is committed, and shall be taxed and allowed in the same manner as other criminal costs are taxed and allowed.

Costs of
commitment.

SECTION 3. Any sheriff or deputy sheriff, when engaged in the execution of a warrant for the commitment of a person to the state prison or to the reformatory prison for women, or when engaged in the execution of an order from the commissioners of prisons for the removal of a prisoner, shall have the same powers in any county through which he may pass, that he would have in his own county in the performance of a similar duty.

Sheriff or
deputy to have
same powers
through counties
he may pass,
as in his own
county.

SECTION 4. The cost of the removal of a prisoner from one jail or house of correction to another, or from any jail or house of correction to the reformatory prison for women, in accordance with the provisions of chapter two hundred and ninety-four of the acts of the year one thousand eight hundred and seventy-nine, shall be paid by the county from which such prisoner is removed.

Cost of removal
to reformatory
prison.

Cost of removal
from reform-
atory prison
and state work-
house.

SECTION 5. The cost of the removal of any prisoner from the reformatory prison for women to the house of industry at Deer Island, or to any jail or house of correction, or from the state workhouse to the reformatory prison for women, shall be paid from the treasury of the Commonwealth.

Repeal of
G. S. 174, § 21.
G. S. 179, § 24.
1879, 294, § 8.

SECTION 6. Section twenty-one of chapter one hundred and seventy-four of the General Statutes, section twenty-four of chapter one hundred and seventy-nine of the General Statutes, and section eight of chapter two hundred and ninety-four of the acts of the year one thousand eight hundred and seventy-nine, are hereby repealed.

Approved March 19, 1880.

Chap. 121 AN ACT TO ESTABLISH A BOUNDARY LINE BETWEEN THE TOWNS OF FALMOUTH AND SANDWICH.

Be it enacted, &c., as follows :

Boundary line
established.

SECTION 1. The boundary line between the towns of Falmouth and Sandwich, at and westerly of Hope Spring, is hereby defined and established as follows, to wit: said line shall begin at Hope Spring, thence north eighty-eight degrees forty minutes west to a stone monument on Lawrence Island; thence by the same course to Buzzard's Bay.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1880.

Chap. 122 AN ACT TO AUTHORIZE THE TOWNS OF DENNIS AND YARMOUTH TO REGULATE THE SALMON AND TROUT FISHERY IN BASS RIVER.

Be it enacted, &c., as follows :

Salmon and
trout fishery in
Bass River,
regulated.

SECTION 1. Section one of chapter thirty-seven of the acts of the year eighteen hundred and forty-nine, entitled "An Act to authorize the towns of Dennis and Yarmouth to regulate the fisheries in Bass River," is hereby amended by inserting after the words "herrings or alewives and perch," the words "salmon and trout;" and after the words "Bass River," the words "at the mouth thereof;" and section four of said chapter is hereby amended by inserting after the words "herrings, alewives or perch," the words "or salmon or trout," and by striking out of the last line of said section four the word "twenty," and inserting in lieu thereof the word "forty."

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1880.

AN ACT TO CONFIRM THE CORPORATE ORGANIZATION OF THE WAITERS BENEVOLENT ASSOCIATION OF THE CITY OF BOSTON. *Chap. 123*

Be it enacted, &c., as follows:

The corporate organization of the Waiters Benevolent Association of the city of Boston under that name is hereby confirmed and made valid. All the deeds, acts and proceedings of said corporation are confirmed and made valid so far as such validity may have depended upon the name of the corporation under which they were made or transacted.

Organization confirmed and made valid.

Approved March 19, 1880.

AN ACT TO EXTEND THE PROVISIONS OF CHAPTER TWO HUNDRED AND SEVENTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE, RELATIVE TO THE INCORPORATION OF THE HOOSAC TUNNEL DOCK AND ELEVATOR COMPANY. *Chap. 124*

Be it enacted, &c., as follows:

The provisions of chapter two hundred and seventy-seven of the acts of the year eighteen hundred and seventy-nine are hereby extended for one year from the date of the passage of this act.

Provisions extended for one year.
1879, 277.

Approved March 19, 1880.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO CONSTRUCT AND MAINTAIN A HIGHWAY AND BRIDGE OVER CHARLES RIVER AND TO WIDEN WARREN BRIDGE. *Chap. 125*

Be it enacted, &c., as follows:

SECTION 1. The city of Boston, if in the judgment of its city council the public convenience and necessity require, may lay out, construct and maintain a highway and bridge, not to exceed one hundred feet in width, across Charles River from some point on the northerly side of Causeway Street between Beverly and Prince Streets to some point on the southerly side of Water Street between Warren Avenue and the easterly side of Charles River Avenue.

May construct highway and bridge across Charles River.

SECTION 2. The city of Boston if in the judgment of its city council the public convenience and necessity require may reconstruct and widen to a width not exceeding eighty feet the present Warren Bridge, and may construct fender guards, make changes in the draw and draw piers and do such other acts as they may deem necessary, expedient or convenient in the premises to secure a bridge and road which shall safely and conveniently accommodate public travel and navigation.

May reconstruct and widen Warren Bridge.

May take lands,
wharves, etc.

SECTION 3. To secure and accomplish the objects and purposes of the preceding sections, the city of Boston may take such lands, buildings, wharves and structures as it may deem necessary; and all damages to private property for land taken under this act shall be ascertained as in the case of the laying out of highways in the city of Boston.

Subject to the
general laws
and provisions
of 1869, 432.

SECTION 4. In the exercise of the powers granted by this act the city of Boston shall be subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine and all general laws applicable thereto.

SECTION 5. This act shall take effect upon its passage.

Approved March 19, 1880.

Chap. 126

AN ACT IN ADDITION TO THE ACTS FOR THE PURPOSE OF SUPPLYING THE CITY OF BOSTON WITH PURE WATER.

Be it enacted, &c., as follows:

May maintain
new main pipes
through Brook-
line to Boston.

SECTION 1. For the purpose of supplying water to its inhabitants, the city of Boston is hereby authorized by and through the agency of the Boston Water Board to lay and maintain new main pipes from its reservoir constructed under the provisions of chapter one hundred and thirty-one of the acts of the year eighteen hundred and sixty-five, through the town of Brookline to the city of Boston in the manner provided in chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six; and for this purpose may take and hold by purchase or otherwise any lands or real estate necessary therefor; and lay said pipes over or under any water course or any streets, turnpike roads, railroads, highways or other ways, in such manner as not to unnecessarily obstruct or impede the travel thereon; and may enter upon and dig up any such roads, streets or ways, for the purpose of laying down said pipes beneath the surface thereof, and for maintaining and repairing the same; but always in such manner and with such care as not to render the roads, streets and ways unnecessarily unsafe or inconvenient to the public travel thereon. And said city of Boston in performing said work, shall be subject to such reasonable regulations as to time, place and manner of digging up any streets or ways of public travel for the purposes aforesaid and the laying of said pipes as shall be made by the selectmen of Brookline, within the limits of said town for the protection of their rights of drainage and sewerage therein and the public rights of passage thereon.

May enter
upon and dig
up roads.

Subject to regu-
lations of select-
men of Brook-
line.

SECTION 2. For the purpose aforesaid the city of Boston is likewise authorized, through the agency of the Boston Water Board to lay and maintain a main pipe from any point on pipes authorized by the foregoing section through the cities of Cambridge and Somerville and the towns of Brookline and Medford to the Mystic pumping station, so called, in the city of Somerville, and for this purpose shall have all the powers specified in the foregoing section, and shall be subject to such reasonable regulations of the city council of the cities of Cambridge and Somerville and the selectmen of the towns of Medford and Brookline within their respective limits as may by the foregoing section be made by the selectmen of the town of Brookline. Said city of Boston shall not displace any public sewer or water pipe without the assent of the said city councils and boards of selectmen respectively.

May lay and maintain pipes through Cambridge, Somerville and Medford.

SECTION 3. Whenever the city of Boston shall dig up any street or way as aforesaid, it shall restore the same to as good order and condition as the same shall be in when such digging commenced; and the city of Boston shall at all times indemnify and save harmless the cities of Cambridge and Somerville, and the towns of Medford and Brookline against all damage which may be recovered against them respectively; and shall reimburse to them respectively, all expenses which they shall incur by reason of any defect or want of repair in any street or way, caused by the construction of said aqueduct or the laying of said pipes, or by the maintaining or repairing of the same: *provided*, that the city of Boston shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

Streets to be restored to same order and condition as when digging commenced.

SECTION 4. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land or real estate or the laying of said pipes as aforesaid; and any person sustaining damage as aforesaid may have the same ascertained, determined, collected and paid in the manner which is provided in sections six, seven and eight of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six.

Liability for damages.

SECTION 5. Upon requisition by the respective city councils of the cities of Cambridge and Somerville and the respective boards of selectmen of the towns of Medford and Brookline, prior to the laying of the said aqueduct and pipes through their respective limits, the city of Boston shall insert a number of hydrants in said pipes at

Hydrants to be established.

points not less than one thousand feet apart, to be used for extinguishing fires, free of charge, and for no other purpose; and said several cities and towns shall pay to the city of Boston the expense of inserting and keeping in repair such hydrants as shall have been so inserted upon their requisitions aforesaid within their respective limits.

May sell water to Cambridge.

SECTION 6. The city of Boston is also authorized, if the Boston Water Board shall be of opinion that the supply of water is sufficient for the purpose, to sell water to the city of Cambridge, when conducted through the main pipes laid by virtue of the provisions of section two of this act, upon such terms as may be agreed upon by the city council of the city of Cambridge, and said Boston Water Board.

Subject to acceptance by city council.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Boston; but the powers conferred by section one of this act may be exercised without any obligation on the part of said city to exercise the powers conferred by section two.

Approved March 19, 1880.

Chap. 127

AN ACT TO INCORPORATE THE BERKSHIRE WATER COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Frank M. Pease, Henry C. Phelps, Charles C. Holcombe and Frank S. Gross, their associates and successors, are hereby made a corporation by the name of the Berkshire Water Company, for the purpose of furnishing the inhabitants of Lee with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Name and purpose.

Powers and duties.

May take water in the town of Lee.

SECTION 2. Said corporation may take, hold and convey through the town of Lee or any part thereof, the water of any spring or springs or of any stream or streams within said town of Lee, together with any water rights connected therewith, excepting however, Laurel Lake, its outlets and sources, unless with the consent of the owners of said lake; and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with

Laurel Lake.

May take and hold real estate.

the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may under the direction of the board of selectmen enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes, or other works; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

May enter upon and dig up highways.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act, file in the registry of deeds of the middle district of the county of Berkshire a description of any land so taken, sufficiently accurate for identification, and state the purposes for which it is so taken; and the title of land so taken shall vest in said corporation. Any person or corporation injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter, and no suit for injury done under this act shall be brought after two years from the alleged date of the receipt of injury.

To file in registry of deeds a description of the land taken.

Liability for damages.

Application to be made within three years.

SECTION 4. Said corporation may distribute the water through said Lee; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Lee, or with the Lee fire district, or with individuals or corporations to supply water for fire or for other purposes, as may be agreed upon by said town, or fire district, or individuals, or corporations, and said corporation.

May fix water rates.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real and personal estate not exceeding in amount fifty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Real and personal estate.

SECTION 6. Manufacturing and other corporations doing any business in said Lee are hereby authorized to subscribe for and hold stock of said Berkshire Water Company.

Corporations may take stock in company.

Penalty for diverting or corrupting water.

SECTION 7. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

Town of Lee may purchase property and rights upon a two-thirds vote of the voters.

SECTION 8. The town of Lee shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at the actual cost of the same, or if mutually agreed upon between said corporation and said town at a less price; and said corporation is hereby authorized to make sale of the same to said town; but such authority to purchase said franchise and property is granted to said town upon the condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any annual meeting, or at a legal meeting called to act on that subject.

SECTION 9. This act shall take effect upon its passage.

Approved March 19, 1880.

Chap. 128 AN ACT TO PROVIDE FOR THE TAKING OF LAND AND THE ERECTION THEREON OF A COURT HOUSE FOR THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows:

Aldermen of Boston may take land for a court house in Boston.

SECTION 1. The board of aldermen of the city of Boston, acting as county commissioners for the county of Suffolk, are hereby authorized and empowered to take and hold, by purchase or otherwise, so much land as they may deem necessary for the erection thereon of a court house by the city of Boston for the use of the courts of the Commonwealth within and for the county of Suffolk and other purposes incidental thereto, and for a court house yard for the same; and they may appropriate and use therefor any land now owned by the city.

To file in the registry of deeds a description of the land taken.

SECTION 2. The board of aldermen shall, within thirty days from the time when they shall take any parcel or

parcels of land under this act, file in the office of the register of deeds for said county, and cause to be recorded, a description of the land so taken as certain as is required in a common conveyance of land with a statement of the purpose for which it is taken; which description and statement shall be signed by the mayor of the city; and the city of Boston shall be liable to pay all damages that shall be sustained by any person or persons by reason of the taking of such land as aforesaid; such damages to be ascertained and determined in the manner provided for ascertaining and determining damages in case of the laying out, altering or discontinuing of ways within the city of Boston.

Liability for damages.

SECTION 3. In case the board of aldermen of the city of Boston shall fail before the first day of December, eighteen hundred and eighty, to exercise the powers granted them in the foregoing sections, such powers shall thereupon cease and determine. It shall then be lawful for the supreme judicial court, or any justice thereof, sitting in the county of Suffolk, either in term time or vacation, upon the petition of any ten citizens of the city of Boston, and after notice to said city, to appoint three discreet men, inhabitants of said city, to be a board of commissioners, who, upon such appointment, and upon being duly sworn to the performance of their duties, shall give public notice of their appointment, shall proceed to consider what site within said city is most suitable for a court house for the county of Suffolk, and shall take upon the site found to be most suitable by them, so much land as they may deem necessary for the purpose of a court house for the use of the courts of the Commonwealth within and for the county of Suffolk and other purposes incidental thereto and for a court house yard for the same. The said taking shall set forth the parcel or parcels of land taken with a description thereof as certain as is required in a common conveyance of land, and such taking being duly signed by the said commissioners or a majority thereof, and returned to the supreme judicial court, sitting in said county of Suffolk, and having been confirmed by said court, or any justice thereof, shall thereupon vest the title to said land in the city of Boston, and render the said city liable to pay all damages for the said taking as fully and completely in all respects as if said land had been taken by the board of aldermen acting as county commissioners by virtue of sections one and two of this act, in the manner and within the time herein provided. It shall thereupon be the duty of the mayor of the city of Boston to file the said descrip-

If aldermen fail to take land it may be taken by commissioners appointed by the supreme judicial court.

Mayor to file description of land so taken.

Assessment of
damages.

tion of the lands so taken with a statement of the purpose for which they have been taken, in the registry of deeds for the county of Suffolk. Said board of commissioners shall likewise estimate, determine and assess all damages sustained by any persons by the taking of land or by other acts of said board in the execution of the powers vested in them by this act, and shall return their award of said damages to the supreme judicial court for the county of Suffolk with their return of such taking and the award of said board or the majority of them being returned and accepted by said court, shall be final, and judgment shall be entered and execution issued thereon, unless either the city of Boston or any of the parties shall claim a trial by jury as hereinafter provided. The board of commissioners shall be entitled to a reasonable compensation for their services to be fixed by the court, and paid by the city of Boston, and any vacancy occurring in said board of commissioners may be filled by the said court.

Parties
aggrieved may
claim a trial by
jury.

SECTION 4. If either the city of Boston or any of the parties claiming to have sustained damages by the taking of land or by other acts of said board of commissioners, shall be dissatisfied with the amount of damages awarded, the city of Boston or such party may, at the term at which such award was returned, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways in the city of Boston; and the verdict of such jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon.

Court house to
be erected
within a reason-
able time.

SECTION 5. It shall be the duty of the city of Boston, acting by its city council, to erect within a reasonable time after any taking authorized by this act, a suitable court house for the use of the courts of the Commonwealth in and for the county of Suffolk and for other purposes incidental thereto upon the land so taken.

Betterment
laws not to
apply.

SECTION 6. The provisions of law in relation to the assessment of betterments shall not be applicable to any of the takings of land under this act.

SECTION 7. This act shall take effect upon its passage.

Approved March 22, 1880.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF PROBATION OFFICERS. *Chap. 129*

Be it enacted, &c., as follows :

SECTION 1. The aldermen of any city, except the city of Boston, or the selectmen of any town, may establish the office of probation officer, and may fix the salary of such officer. The mayor of any city or the selectmen of any town in which such office has been established may appoint such officer: *provided*, that the appointment made by the mayor of any city shall be subject to the confirmation of the aldermen of said city. Such officer, when duly appointed, shall hold his office until removed by the board appointing or confirming him, and shall have in the execution of the duties of his office all the powers of police officers. The person appointed to this office may be a member of the police force of the city or town in which he is appointed.

Probation officers may be appointed in cities and towns.

To have all powers of police officers.

SECTION 2. The clerk of each city or town which shall appoint a probation officer under this act, shall immediately after such appointment notify the commissioners of prisons of the same. Every such officer shall make a monthly return to said commissioners, showing the name, age, sex and offence of each person placed upon probation upon his recommendation, with such other particulars as they may require, and the result in each case when it shall be completed.

City and town clerks to notify prison commissioners.

Monthly reports to be made to commissioners.

SECTION 3. It shall be the duty of such officer to carefully inquire into the character and offence of every person arrested for crime in the city or town for which he acts, with a view to ascertaining whether the accused may reasonably be expected to reform without punishment. He shall keep a full record of the results of his investigations.

Officers to inquire into character and offence of person arrested for crime, and keep full record of investigations.

SECTION 4. If upon investigation said officer is satisfied that the best interests of the public and of the accused would be subserved by placing him upon probation, he shall recommend the same to the court trying the case, and the court may permit the accused to be placed upon probation, upon such terms as it may deem best, having regard to the reformation of the accused.

Accused may be placed on probation by court upon recommendation of officer.

SECTION 5. The person thus released shall be furnished with a written statement of the terms of his probation, and the probation officer shall keep a record of the same, and of his conduct during said probation. All the records kept by said probation officer shall at all times be open to the chief of police or city marshal of the city or town in which he is appointed.

Person released to be furnished with a written statement of terms of his probation.

Case of person in jail with not more than six months of sentence unexpired may be investigated.

Upon recommendation of officer and with the concurrence of the court, etc., county commissioners may release prisoner.

Prisoners released upon probation may be returned to prison.

Persons supposed to be reformed shall under 1862, 189, receive conditional discharge.

Persons imprisoned for drunkenness.

Prisoners released on probation may

SECTION 6. Any probation officer, including any person appointed an officer under the provisions of chapter one hundred and ninety-eight of the acts of the year eighteen hundred and seventy-eight, may, with the consent of the county commissioners of the county in which he is appointed, or by their request, investigate the case of any person imprisoned in any jail or house of correction for an offence other than a felony, upon sentence of not more than six months, or upon a longer sentence, of which not more than six months remain unexpired, with a view to ascertaining the probability of the reformation of such person if released from imprisonment. If after such investigation the probation officer shall recommend the release of the prisoner, and the court which imposed the sentence (or in case of the superior court, the district attorney), shall certify concurrence in such recommendation, the county commissioners may if they deem it expedient release him upon probation, upon such conditions as they deem best, and they may require bonds for the fulfilment of said conditions. The surety upon any such bond shall have authority and right at any time to take and surrender his principal to the prison whence he was released. Nothing in this act shall apply to cases of persons held upon sentence of the courts of the United States.

SECTION 7. The county commissioners shall have the right to order any prisoner, released by them upon probation, to return to the prison from which he was released, and upon their request, verbal or in writing, any court having jurisdiction in criminal offences shall issue a warrant for his arrest and shall remand him to the prison from which he was released.

SECTION 8. No person shall be discharged from any prison or workhouse by the county commissioners of any county, under the provisions of chapter one hundred and eighty-nine of the acts of the year one thousand eight hundred and sixty-two, except upon condition that if he shall at any time thereafter be convicted of any crime he shall serve the remainder of his original sentence, in addition to the sentence imposed for said crime. The county commissioners shall hereafter have the same authority to release persons imprisoned for drunkenness that they now have to release persons imprisoned for being common drunkards.

SECTION 9. The county commissioners may furnish any prisoner released from prison on probation with such

sum of money as in their judgment can be wisely used to promote his reformation, or they may pay the same to any probation officer to be used for such prisoner.

be furnished with a sum of money.

SECTION 10. If any prisoner released from a jail or house of correction upon probation shall be returned thereto for a violation of the conditions of the same, he shall be detained according to the terms of his original sentence; and in computing the period of his confinement, the time between his release upon probation and his return to the prison shall not be taken to be any part of the term of the sentence.

Prisoner to serve out original sentence, if returned for violation of conditions.

SECTION 11. It shall also be the special duty of each probation officer to inform the court, so far as is possible, whether a person on trial has previously been convicted of any crime.

Officer to inform court when person has previously been convicted.

SECTION 12. Nothing herein contained shall authorize such officer to interfere with any of the duties required of the visiting officer of the board of health, lunacy and charity, under the laws of this Commonwealth relating to juvenile offenders.

Duties of visiting officer of board of health, etc., not to be interfered with.

Approved March 22, 1880.

AN ACT TO EXTEND THE CHARTER OF THE EAST CAMBRIDGE LAND COMPANY.

Chap. 130

Be it enacted, &c., as follows:

SECTION 1. The term of the charter of the East Cambridge Land Company is hereby extended twenty years from the date of its present limitation.

Charter extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1880.

AN ACT AUTHORIZING THE NEW LONDON NORTHERN RAILROAD COMPANY TO ISSUE BONDS.

Chap. 131

Be it enacted, &c., as follows:

SECTION 1. The New London Northern Railroad Company is hereby authorized to issue its bonds, signed by its president and countersigned by its treasurer, to an amount not exceeding one million five hundred thousand dollars, for the purpose of retiring its present bonded indebtedness, paying its floating debt and extending its road. Said bonds shall be for one thousand dollars each, payable not more than thirty years from their date, and shall bear interest at the rate of not more than six per cent. per annum, payable semi-annually.

May issue bonds not exceeding \$1,500,000.

Interest not to exceed six per cent.

SECTION 2. Said New London Northern Railroad Company may secure said bonds by a mortgage of the whole

May secure bonds by mortgage of whole

present line and
the Brattlebor-
ough Branch.

of their present line and the Brattleborough Branch of the Vermont and Massachusetts Railroad Corporation, and of all its property and franchises wherever and however situated, acquired or to be acquired, to trustees for the holders of said bonds: *provided*, that the mortgage bonds of said company, outstanding at any one time, shall not exceed one million five hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1880.

Chap. 132

AN ACT TO ENLARGE THE POWERS OF JUSTICES OF THE PEACE AND TO ABOLISH THE OFFICE OF JUSTICE OF THE PEACE AND OF THE QUORUM.

Be it enacted, &c., as follows:

Justices of
peace to exer-
cise powers of
justices of peace
and quorum
except, etc.

SECTION 1. Justices of the peace shall hereafter have and exercise the powers and authority now conferred by law upon justices of the peace and of the quorum, except the right to act as magistrates for the examination of poor debtors under the provisions of chapter one hundred and twenty-four of the General Statutes and acts in amendment thereof. They shall also have jurisdiction and the right to act in any and all the counties: *provided*, that nothing herein shall be construed to authorize any justice of the peace to take bail in any judicial district other than that for which he is designated and commissioned under chapter two hundred and fifty-four of the acts of the year eighteen hundred and seventy-nine.

Proviso.

Office of justice
of the peace and
of the quorum,
abolished.

SECTION 2. The office of justice of the peace and of the quorum is hereby abolished; but justices of the peace and of the quorum now in office shall continue to exercise their powers, and in all the counties, according to the tenure of their respective commissions.

Provisions to
apply to all
justices of the
peace now in
commission.

SECTION 3. The provisions of this act shall apply to all justices of the peace now appointed and commissioned; and hereafter all appointments of justices of the peace shall be made and their commissions be issued for the Commonwealth.

Approved March 23, 1880.

Chap. 133

AN ACT TO AUTHORIZE THE CITY OF LYNN TO RAISE ADDITIONAL FUNDS TO COMPLETE ITS WATER WORKS.

Be it enacted, &c., as follows:

May borrow
money to com-
plete water
works.

SECTION 1. The city of Lynn may, for the purposes mentioned in chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-one, raise by borrowing from time to time, an amount not exceeding

two hundred thousand dollars in addition to the amounts authorized by said chapter and by chapter two hundred and thirteen of the acts of the year eighteen hundred and seventy-two, upon like terms and conditions and with like powers in all respects as are provided in said first named act for the raising of money.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1880.

AN ACT AUTHORIZING THE CITY OF BOSTON TO MAKE ORDINANCES IN RELATION TO VEHICLES AND THEIR LOADS IN SAID CITY.

Chap. 134

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Boston may make such ordinances in relation to the size and shape of all carriages, wagons, carts, trucks, sleighs, sleds, and other vehicles, and their loads, passing through the streets and public ways of said city, as it may deem necessary for the public safety and convenience, with penalties for the violation thereof not exceeding twenty dollars for each offence.

May regulate by ordinance the size and shape of vehicles and their loads.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1880.

AN ACT TO AUTHORIZE THE TOWN OF PEABODY TO MAKE ALTERATIONS AND IMPROVEMENTS IN GOLDTHWAIT'S BROOK.

Chap. 135

Be it enacted, &c., as follows :

SECTION 1. For the purpose of carrying away the waters of Goldthwait's Brook and any pollution therein and preventing injury therefrom to the health of the inhabitants of the town of Peabody or its vicinity, said town is hereby authorized to straighten, deepen and widen the channel of said brook and remove obstructions therefrom, from a point at the crossing of said brook by Caller Street to a point in the boundary line between said town and the city of Salem, at or near the head of Frye's Mill Pond, so called, near the location of the Essex Railroad, or, between said points, to change the course of said brook, or to lay out and construct a new channel therefor, through the lands of any persons or corporations, and through such improved, changed or new channel to conduct the waters of said brook, and any pollution therein, into said pond. Said construction and alterations shall be substantially made in such manner as said town shall determine, and said town may repair such new or altered channel whenever repair thereof shall be necessary. All persons and corporations now having the right of drainage into or

Town may deepen channel of Goldthwait's Brook.

May change course of brook.

Right of drainage into brook.

Proviso.

May construct channel under any railroad or street.

Notice to be given to abutters on brook and to owners of land.

Subject to acceptance by the town.

Town to pay damages sustained.

If not agreed upon, damages may be assessed by county commissioners.

Parties aggrieved may apply for a jury.

through said Goldthwait's Brook shall have the same right of drainage into and through said new or altered channel: *provided*, that nothing contained in this act shall be construed as enlarging any rights of discharging any sewerage, filth or pollution into said brook, beyond what now exist.

SECTION 2. Said town may construct said channel under any railroad, road, street, highway or other way, and may enter upon and dig up such railroads, roads, streets and ways, for the purpose of the alteration, construction, maintenance and repair of said channel, and in such manner as not to render the same unnecessarily inconvenient to public travel during the work thereon, restoring such railroads, roads, streets or ways to as good order and condition as the same shall be when such digging, construction or repair commenced, and in general may do all other acts and things necessary and proper for the purposes of this act.

SECTION 3. Before making said alterations or laying out or constructing said new channel, said town shall give the same notice of its intention to the abutters on said brook, between said points, and to the owners of land through which it is proposed to lay out said new channel, as is provided by law in the case of laying out of town ways, and no such alteration shall be made, or new channel laid out, until such laying out or alteration, with the boundaries and admeasurements of such new channel and a description of such alteration, is reported to the town and accepted and allowed at some public meeting of the inhabitants regularly warned and notified therefor, nor unless such laying out, with said boundaries and admeasurements or description is filed in the office of the town clerk seven days at least before such meeting.

SECTION 4. Said town shall pay all damages sustained by any persons or corporations in their property, by reason of said alterations or of said laying out and construction of said channel, and the benefit, if any, by reason thereof, to the property of such persons or corporations, shall be allowed by way of set off to such damages. If any person or corporation sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed by the county commissioners for the county of Essex, by making written application therefor within one year after such alterations, laying out or construction; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury; and if the damages

are increased by the jury the town shall pay all legal costs; but otherwise the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall be in all other respects conducted in the same manner as provided by law in case of taking land for highways.

SECTION 5. The rights and powers given to said town by this act shall be exercised by it in such manner and by such officers and agents as said town shall choose and direct. And said town may at any legal meeting grant and vote such sums as it may judge necessary for the purposes of this act.

SECTION 6. This act shall take effect upon its acceptance by said town at a legal meeting of the voters thereof.

Approved March 26, 1880.

Powers may be exercised as town may direct.

To take effect upon acceptance by town.

AN ACT IN RELATION TO PILOTS AND PORT WARDENS OF THE PORTS OF GLOUCESTER AND ROCKPORT, AND THE PORTS ON BUZZARD'S BAY AND THE ISLAND OF MARTHA'S VINEYARD.

Chap. 136

Be it enacted, &c., as follows:

SECTION 1. Once in every three months each pilot for the ports of Gloucester and Rockport shall render to the board of port wardens for said ports an accurate account of all vessels piloted by him, together with the full amount of all money received by him or by any person for him, for pilotage, and shall pay said port wardens four per cent. of the amount thereof; and if any pilot shall make a false return or otherwise neglect his duty under this act he shall be liable to suspension as provided for in section sixteen of chapter one hundred and seventy-six of the acts of the year eighteen hundred and sixty-two.

Pilots of Gloucester and Rockport to render account to port wardens of vessels and fees.

To pay over to port wardens, four per cent of fees.

SECTION 2. Each pilot for the ports upon Buzzard's Bay and the Island of Martha's Vineyard shall make the same returns, and pay the same commission, to the port wardens of said ports, as are required by section one of this act of the pilots of Gloucester and Rockport.

Pilots of Buzzard's Bay and Martha's Vineyard.

SECTION 3. This act shall take effect on and after the first day of April in the year eighteen hundred and eighty.

To take effect April 1, 1880.

Approved March 26, 1880.

AN ACT TO AMEND AN "ACT RELATING TO THE EMPLOYMENT OF CHILDREN, AND REGULATIONS RESPECTING THEM."

Chap. 137

Be it enacted, &c., as follows:

Section one of chapter two hundred and fifty-seven of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out in lines five and six the

Employment of children.

Amendments to
1878, 257, § 1.

words "in his employ or in the employ of such establishment," and inserting in place thereof the words "employed in said establishment," and by striking out in lines ten, eleven, twelve and thirteen the words "Said certificate shall be made by or under the direction of the school committee of the place where such attendance has been had, or where such establishment is located," and inserting in place thereof the words "Said certificate shall be signed by a member of the school committee of the place where such attendance has been had, or some one authorized by them; and the form of said certificate shall be furnished by the secretary of the state board of education and shall be approved by the attorney general."

Approved March 26, 1880.

Chap. 138

AN ACT TO AMEND SECTION TEN OF CHAPTER TWENTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE, ENTITLED "AN ACT TO SUPPLY THE TOWN OF MIDDLEBOROUGH WITH PURE WATER."

Be it enacted, &c., as follows:

Water supply
for Middle-
borough.
1879, 20, § 10.

SECTION 1. Section ten of chapter twenty of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the words, "at a legal meeting called for that purpose, and held in the same manner as meetings for the election of town officers," and inserting instead thereof the words, "on the day of the annual state election in November in the year eighteen hundred and eighty or at the annual town meeting of said town in March or April in the year eighteen hundred and eighty-one;" also in said section ten in the last two lines thereof, by striking out the words, "within three years from the date of its passage."

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1880.

Chap. 139

AN ACT RELATING TO NOTICE OF THE ELECTION OR APPOINTMENT OF CERTAIN COUNTY OFFICERS.

Be it enacted, &c., as follows:

Notice to be
given to the
secretary of the
Commonwealth
of election of,
or vacancy in
the office of,
special or
county
commissioner.

SECTION 1. The board of examiners in each county where such board exists shall, as soon as the election of any county commissioner or special commissioner has been determined, notify the secretary of the Commonwealth of the name and residence of the person chosen, with the date when his term of service will expire; and they shall also notify the secretary of the Commonwealth of any vacancy in either of said offices, whenever such vacancy occurs.

SECTION 2. The county commissioners in each county shall, as soon as the election of any treasurer or register of deeds for such county has been determined, notify the secretary of the Commonwealth of the name and residence of the person chosen, and the date when his term of service will expire; also of any vacancy in either of said offices, whenever such vacancy occurs.

County treasurer and register of deeds.

SECTION 3. The clerk of the courts in each county where there is an assistant clerk or clerks shall notify the secretary of the Commonwealth at once of the name and residence of such assistant or assistants, and of a vacancy in either of said offices, when such vacancy occurs; also of the name and residence of an appointee to either of said offices when a new appointment is made, together with the date of the expiration of the term of service in each case.

Assistant clerk of the courts.

SECTION 4. The register of probate and insolvency for each county where there is an assistant register shall notify the secretary of the Commonwealth of the name and residence of such assistant, and of a vacancy in said office, when such vacancy occurs, and of the name and residence of an appointee to such office, when a new appointment is made, together with the date of the expiration of the term of service in each case.

Register of probate and insolvency and assistant.

SECTION 5. This act shall take effect upon its passage.

Approved March 26, 1880.

AN ACT TO AUTHORIZE STREET RAILWAY COMPANIES TO MAKE REGULATIONS FOR THE USE OF THEIR ROADS AND CARS.

Chap. 140

Be it enacted, &c., as follows :

SECTION 1. Any street railway corporation may from time to time by its directors establish regulations for the use of its road and cars: *provided*, that such regulations shall at all times be subject to the approval, revision or alteration of the board of railroad commissioners.

May establish regulations for use of road and cars, subject to approval of railroad commissioners.

SECTION 2. This act shall not be construed to deprive the mayor and aldermen of any city, or the selectmen of any town, of any right or power which they now have by law to regulate the construction or use of the roads or cars of street railway companies within their respective jurisdictions.

Mayor and aldermen and selectmen not deprived of their powers.

Approved March 27, 1880.

AN ACT CONCERNING THE ASSESSMENT OF HIGHWAY AND RAILROAD LAND DAMAGES.

Chap. 141

Be it enacted, &c., as follows :

SECTION 1. No petition, suit, appeal or other proceeding in the superior or supreme judicial court begun, taken

Suits, etc., for damages for

building rail-
roads not to be
discontinued
except by leave
of court or con-
sent of parties.

or instituted by any party aggrieved by the award of the damages occasioned by laying out, making and maintaining a railroad or by taking any land or materials therefor, or by the laying out, alteration or discontinuance of a highway, or town or private way, or the taking of any land or materials therefor, shall be discontinued except by leave of court or by agreement of the parties; and any party thereto may prosecute said petition, suit, appeal or other proceeding with like effect as if the same had been begun, taken or instituted by said party.

SECTION 2. This act shall not apply to proceedings already commenced.

Approved March 27, 1880.

Chap. 142

AN ACT MAKING FURTHER PROVISIONS FOR FOUNDLINGS AND DESERTED CHILDREN.

Be it enacted, &c., as follows :

Infant state
paupers to be
cared for in
families when
Massachusetts
Asylum is full
of inmates.

SECTION 1. Whenever the Masssachusetts Infant Asylum is full of inmates, or when from sickness or other sufficient cause it is not expedient to receive or retain any infant legally committed thereto, said infant being a state pauper, it shall be the duty of the state board of health, lunacy and charity to provide for such infant in a proper family, or other suitable place, under the constant supervision of its medical officers, till it shall reach the age of two years, or is otherwise provided for by said board under existing laws.

Cost of
maintenance.

SECTION 2. The cost of maintaining said infant shall be paid from the appropriation for the support of infants having no known settlement in the Commonwealth, or from the ordinary appropriations for the support of the out-door poor.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1880.

Chap. 143

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT, RELATIVE TO PROPERTY AND PERSONS EXEMPTED FROM TAXATION.

Be it enacted, &c., as follows :

Property
exempted from
taxation.
1878, 206.

Chapter two hundred and six of the acts of the year eighteen hundred and seventy-eight is hereby amended by adding to the first section thereof the following words: and *provided, further*, that no property shall be so exempted which in the judgment of the assessors has been conveyed to any person for the purpose of evading taxation.

Any person aggrieved by the determination of the assessors may appeal to the county commissioners within the time and in the manner allowed by law for an abatement of taxes.

Approved March 27, 1880.

AN ACT TO AUTHORIZE THE CONNECTION OF THE ARNOLD ARBORETUM WITH THE SYSTEM OF PARKS OF THE CITY OF BOSTON.

Chap. 144

Be it enacted, &c., as follows:

SECTION 1. In case the board of park commissioners of the city of Boston deem it desirable to take that tract of land in that part of the city of Boston known as West Roxbury, held by the president and fellows of Harvard College, and by them dedicated to the use of the Arnold Arboretum, so called, together with certain adjoining tracts, the property of other parties, deemed by said commissioners convenient and necessary for use in connection therewith, for the purposes and under the powers and limitations set forth in chapter one hundred and eighty-five of the acts of eighteen hundred and seventy-five, and acts in addition thereto and amendment thereof, the city of Boston is hereby authorized to lease such portion of said arboretum and adjoining tracts so taken as the said board of park commissioners may deem not necessary for use as park-ways and grounds to the president and fellows of Harvard College, to be held by them to the same uses and purposes as the arboretum is now held under the trusts created by the wills of Benjamin Bussey and of James Arnold; and for such a term, and upon such mutual restrictions, reservations, covenants and conditions, as to the use thereof by the public, in connection with the uses of the same under said trusts, and as to the rights, duties and obligations of the contracting parties, as may be agreed upon between said commissioners and said president and fellows. The board of park commissioners on the part of the city of Boston, and the president on behalf of the president and fellows of Harvard College, are respectively authorized to execute and deliver said lease.

Park commissioners may take land dedicated to the use of the Arnold Arboretum.

May lease portion of land taken, to Harvard College for the purposes of the arboretum.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1880.

AN ACT IN FURTHER ADDITION TO "AN ACT RELATING TO THE MYSTIC RIVER CORPORATION."

Chap. 145

Be it enacted, &c., as follows:

SECTION 1. The Mystic River Corporation is hereby authorized to extend its band of pier wharf, beyond the

Mystic River Corporation may extend

band of pier
wharf on main
channel of
Mystic River.

To be done
under the
supervision of
the harbor and
land commis-
sioners.

Corporation
may hold shares
in Ocean Ter-
minal Railroad
Company.

line now provided by law, on the main channel of Mystic River in a northerly direction to a point three hundred and eighty-five feet easterly from a point on the easterly line of Chelsea Bridge Avenue, one hundred feet distant southerly from the top face of the northerly abutment of said avenue measured at right angles therewith; thence turning and running north-westerly in a straight line to a point on the easterly line of said avenue extended north-easterly sixty-five feet distant north-easterly from the said abutment of said avenue. Then commencing at a point on the westerly line of said avenue extended north-easterly sixty-five feet distant north-easterly from the said abutment of said avenue, and running in a straight line to a point thirty feet northerly from the north-westerly corner of the sea wall of said corporation as now built; thence turning and running in a straight line to the easterly line of Elm Street, extended north-easterly and thirty feet northerly from the northerly line of the north sea wall of said corporation as already authorized to be built. And vessels may be laid at said piers, and wharfage and dockage may be received therefor. And all acts hereby authorized shall be done under the supervision and to the satisfaction of the harbor and land commissioners; and the amount of water displaced by the additional structure hereby authorized shall be ascertained by said commissioners as provided by chapter seventy-four of the acts of the year eighteen hundred and seventy-eight; and compensation shall be made therefor to the extent provided by said act by excavation between the structure hereby authorized and the main channel of Mystic River, in addition to the excavation required by chapter four hundred and eighty-one of the acts of the year eighteen hundred and fifty-five and as provided by said act.

SECTION 2. The said Mystic River Corporation is hereby authorized to purchase and hold shares of the capital stock of the Ocean Terminal Railroad Company.

Approved March 29, 1880.

Chap. 146 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE LYNN AND BOSTON RAILROAD COMPANY.

Be it enacted, &c., as follows:

Charter
amended.
1855, 24.
1859, 202, § 13.

SECTION 1. Section thirteen of chapter two hundred and two of the acts of the year eighteen hundred and fifty-nine is hereby amended by inserting after the words "constructing or equipping their road," the words "or any extension thereof;" and the sinking fund provided in

chapter twenty-four of the acts of the year eighteen hundred and fifty-five, and referred to in said section thirteen, need not be made to secure any bonds hereafter issued by said Lynn and Boston Railroad Company; but no bonds hereafter issued shall be made payable at a period prior to the time of payment of bonds heretofore issued.

SECTION 2. Said company under its charter as hereby amended is hereby authorized to issue bonds to an amount not exceeding eighteen thousand dollars, to enable it to pay at or before maturity its present bonded debt.

May issue bonds not exceeding \$18,000.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1880.

AN ACT TO INCORPORATE THE SOMERVILLE WHARF AND IMPROVEMENT COMPANY.

Chap. 147

Be it enacted, &c., as follows:

SECTION 1. George Wheatland, James W. Roberts, Peter S. Roberts, Solomon Parsons, Horatio G. Parker, their associates and successors, are made a corporation by the name of the Somerville Wharf and Improvement Company, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land and flats situated in Somerville, and bounded south-westerly by Mystic Avenue, north-westerly by the Medford line, north-easterly by Mystic River, and easterly by the Boston and Maine Railroad, containing about two hundred acres.

Corporators.

Name and purpose.

SECTION 2. Said corporation shall have power to sell and convey, lease, mortgage, or otherwise dispose of and deal with said corporate property or any part thereof, and to manage, improve, fill and grade the same, with authority to construct docks, wharves and buildings, and to lay out streets and passageways, and otherwise improve the same, as it shall deem expedient: *provided, however*, that no canal shall be constructed within the territory of said corporation without the consent of the city of Somerville; and *provided, further*, that all authority granted by this act to do any filling or to build any structures in said tide water is granted subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, and *further* with all the rights and privileges, and subject to all the duties, limitations and restrictions conferred or imposed by general laws which now are or hereafter may be in force applicable to such corporations.

May sell land, build wharves, etc., and lay out streets.

Proviso.

Canal not to be constructed without consent of city.

SECTION 3. The capital stock of said corporation shall be six hundred thousand dollars divided into shares of

Capital stock and shares.

one hundred dollars each, and said corporation, subject to the provisions of law, may increase the said stock from time to time to an amount not exceeding one million dollars.

SECTION 4. This act shall take effect upon its passage.
Approved March 29, 1880.

Chap. 148

AN ACT IN RELATION TO THE TURNER'S FALLS COMPANY.

Be it enacted, &c., as follows:

May construct
dams for
creating water
power.

SECTION 1. The Turner's Falls Company may maintain and use its dams, locks and canals, as at present constructed, or any portion thereof, and may construct other dams, locks and canals connected therewith, for the purpose of creating a water power to use or lease to other persons or corporations for mechanical or manufacturing purposes. And for the purposes aforesaid the said Turner's Falls Company shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes and the acts in amendment thereof and in addition thereto, and chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy and the acts in amendment thereof and in addition thereto; but this grant shall in no wise impair the legal rights of any stockholder in said company.

Powers and
duties.

SECTION 2. The Turner's Falls Company is hereby relieved from the obligation to support its locks, dams and canals, for the purposes of navigation, and its said canal is hereby discontinued as a navigable highway.

Canal discontinued as a
navigable
highway.

Subject to
acceptance by
stockholders.

SECTION 3. This act shall not take effect until it is accepted by a majority in interest of the stockholders present or lawfully represented and voting at a legal meeting called for that purpose.
Approved March 29, 1880.

Chap. 149

AN ACT TO REGULATE THE PRICE OF BOARD IN THE SEVERAL STATE LUNATIC HOSPITALS.

Be it enacted, &c., as follows:

Rate of board
fixed for insane
paupers.

The rate of board to be charged by the trustees of the several state lunatic hospitals, for the support in said hospitals of state, city and town paupers therein, shall be three dollars and twenty-five cents a week, from and after the first day of April in the year one thousand eight hundred and eighty.
Approved March 29, 1880.

AN ACT TO AMEND AN ACT IN RELATION TO SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS. Chap. 150

Be it enacted, &c., as follows :

SECTION 1. Section fifteen of chapter two hundred and three of the acts of the year eighteen hundred and seventy-six is hereby amended, by striking out the word "two," in the fifth line, and inserting in place thereof the words "one and one-half."

Payment of dividends.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1880.

AN ACT TO PROVIDE FOR BINDING OUT FEMALE PRISONERS FROM COUNTY PRISONS. Chap. 151

Be it enacted, &c., as follows :

SECTION 1. The commissioners of prisons may, with the consent of any woman who is serving a sentence in any jail or house of correction, and with the consent of the county commissioners, contract to have such woman employed in domestic service for such term of time not exceeding her term of imprisonment, and upon such terms, as shall seem to said commissioners fit, having regard to her welfare and reformation. If after such contracting for domestic service the conduct of such woman during the term of her imprisonment shall not in the opinion of the said commissioners be good, they may order the return of such woman to the prison whence she was taken for employment.

Female prisoners in county prisons may be bound out to be employed in domestic service.

SECTION 2. If any woman employed at domestic service under the provisions of this act, or under the provisions of chapter two hundred and twenty-nine of the acts of the year one thousand eight hundred and seventy-nine, shall leave such place of service, or having been ordered by the commissioners of prisons to return to prison, neglects or refuses so to do, she shall be deemed to have escaped from prison, and may be arrested and returned to the prison whence she was taken for employment, in the same manner as if she had escaped from said prison.

May be returned to prison upon leaving place of service, etc.

SECTION 3. Any woman employed at domestic service as aforesaid shall, if convicted of leaving such place of service, or of refusing to return to the prison whence she was taken for employment, when ordered so to do by the commissioners of prisons, as aforesaid, be punished by imprisonment in a jail or house of correction not less than three months nor more than one year.

Penalties for leaving place of service, etc.

SECTION 4. The costs of the arrest and return of any woman leaving her place of service, or refusing to return

Payment of costs of arrest, etc.

to prison, as aforesaid, shall be paid in the same manner as are the costs of the arrest and return of a prisoner who escapes from a place of confinement established by law.

Approved March 29, 1880.

Chap. 152 AN ACT RELATING TO THE BONDS OF EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

Be it enacted, &c., as follows:

Bonds of executors, administrators and guardians.

SECTION 1. Section two of chapter ninety-three of the General Statutes is hereby amended by striking out of the second clause of the condition of the bond named therein the words "for the payment of his debts or legacies," and inserting in place thereof "or mortgaged." And section two of chapter ninety-four of the General Statutes is hereby amended by striking out of the second clause of the condition of the bond named therein, the words "for the payment of his debts," and inserting in place thereof "or mortgaged." And section sixteen of chapter one hundred and nine of the General Statutes is hereby amended by inserting in the third clause of the condition of the bond named therein, after the word "sold," the words "or mortgaged."

When authority is given to sell, special bond not required unless bond given upon appointment is insufficient.

SECTION 2. When a license or authority for the sale or mortgage of real estate is granted to an executor, administrator, trustee or guardian, no special bond shall be required; but if the bond given by such executor, administrator, trustee or guardian, upon his appointment, appears to the court to be insufficient, the court, before granting the license or authority as aforesaid, shall require an additional bond containing the same conditions as those in the bond prescribed in this act, and the statutes to which this is in addition, to be given, upon the appointment of such executor, administrator, trustee or guardian.

SECTION 3. This act shall take effect upon the first day of September in the year eighteen hundred and eighty.

Approved March 29, 1880.

Chap. 153 AN ACT FOR THE PRESERVATION OF ANCIENT BURIAL GROUNDS.

Be it enacted, &c., as follows:

Cities and towns not to alienate land used more than 100 years for a burial ground without consent of the legislature.

It shall not be lawful for any city or town in this Commonwealth to alienate, convey, or appropriate to any other use than that of a burial ground, any tract of land which has been for more than one hundred years used as a place of burial of the dead; nor shall any portion of such burial ground be taken for any public use without special

authority from the legislature: *provided*, that this act shall not apply in any case where the town has already given its consent to such use, or where special authority therefor has been granted by the legislature. Proviso.

Approved March 29, 1880.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE CONCERNING NON-RESIDENT GUARDIANS.

Chap. 154

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter one hundred and eighty-nine of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out in the nineteenth line thereof the word "minor," and inserting in place thereof the word "ward."

Amendment to
1875, 189, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1880.

AN ACT IN RELATION TO THE SALE OF UNCLAIMED PROPERTY IN THE POSSESSION OF POLICE DEPARTMENTS OF CITIES.

Chap. 155

Be it enacted, &c., as follows:

SECTION 1. Whenever any money, goods or other property shall come into the possession of any member of a police department of any city by virtue of his office, said property having been lost, abandoned, stolen or taken from any person under arrest, he shall deliver the same to such officer or member of said department as shall be designated by the rules or regulations for the government of the department, and shall then be relieved from further responsibility therefor. Said officer or member to whom such property may be so delivered shall, except as herein-after provided, be held to comply with all the requirements of any statutes relating to lost goods and stray beasts.

Property stolen,
etc., in hands of
police to be
delivered to the
officer design-
ated by rules.

SECTION 2. Whenever any of such money, goods or other property shall have remained in the possession of any of said police departments, or any member thereof, for the term of six months, the same having been unclaimed, and the owner thereof being unknown or having no place of abode or of business known to such officer, the said departments may sell the same at public auction in the manner provided for herein.

Property re-
maining six
months un-
claimed to be
sold at auction.

SECTION 3. Notice of such sale shall be published at least once a week, for three successive weeks preceding such sale, in some newspaper in the city where said police department may be; such notice to give the time and place of sale, together with a description of the property to be sold.

Public notice
of sale to be
given.

Property of a perishable nature may be sold.

SECTION 4. Whenever any of such property shall be of a perishable nature, or such as will deteriorate greatly, in value by keeping, or of which the expense of keeping will be likely to exceed the value thereof, the same may be sold at public auction in accordance with the rules and regulations governing said departments, reasonable notice of the time and place of sale being first given by advertising the same in some newspaper of the city where said police department is established.

Proceeds of sales to be paid into treasury of city.

SECTION 5. The proceeds of such sales, after deducting all reasonable charges and expenses incurred on such property, shall be paid into the treasury of said cities.

If owner applies within two years, proceeds to be paid over to him.

SECTION 6. If within two years after any such sale the owner of any property so sold shall make claim to and prove his ownership of said property, the said proceeds, all reasonable charges and expenses being first deducted, shall be paid over to him upon the order of the head of such department.

Repeal.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 8. This act shall take effect upon its passage.

Approved March 29, 1880.

Chap. 156 AN ACT TO PROVIDE FOR THE PAYMENT OF THE COST OF SUPPORTING PRISONERS IN CERTAIN CASES.

Be it enacted, &c., as follows:

Cost of support of prisoner transferred from one county to another.

SECTION 1. The cost of supporting any prisoner transferred from a jail or house of correction in one county to a jail or house of correction in another county shall be paid in accordance with the provisions of section two of chapter two hundred and eighty of the acts of the year one thousand eight hundred and sixty-six.

Cost of support of prisoner transferred from reformatory prison to jail, etc., to be paid by the state.

SECTION 2. The cost of supporting any prisoner transferred from the reformatory prison for women to any jail or house of correction shall be paid from the treasury of the commonwealth: *provided*, said prisoner was not originally sentenced from the county in which said jail or house of correction is located. No bill for the support of prisoners under this section shall be paid without the approval of the commissioners of prisons.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1880.

AN ACT REQUIRING RETURNS TO BE MADE OF CORPORATIONS
DISSOLVED BY THE SUPREME JUDICIAL COURT. *Chap. 157*

Be it enacted, &c., as follows :

Whenever a corporation is dissolved by the supreme judicial court, the clerk of the courts for the county in which the decree or order for dissolution is made shall forthwith make return thereof to the secretary of the Commonwealth, giving the name of the corporation dissolved and the date upon which such order or decree was made.

Returns to be made to the secretary of the Commonwealth of corporations dissolved by supreme judicial court.

Approved March 29, 1880.

AN ACT TO AMEND "AN ACT TO REGULATE THE SALE OF WHEAT,
CORN AND OTHER GRAINS, AND MEAL." *Chap. 158*

Be it enacted, &c., as follows :

SECTION 1. The term "cental" as used in this act shall mean one hundred pounds.

"Cental," 100 pounds.

SECTION 2. Chapter two hundred and thirty-two of the acts of the year eighteen hundred and fifty-five is hereby amended so that wheat, corn, rye, oats, barley, buckwheat, ground corn or corn meal, ground rye or rye meal and feed, may be bargained for and sold by the "cental."

Grain and meal may be sold by the cental.

SECTION 3. Whenever said articles shall be sold by the cental, the measurers of grain, upon application as provided for by said act, shall give a certificate of the number of centals of the same; and if the vender shall sell and deliver any quantity of the same, exceeding one cental, without the same having been weighed by said measurers, such person shall forfeit the sum of ten dollars for every lot purporting to be a cental which shall contain less than one hundred pounds, said sum to be recovered by the purchaser in an action of tort.

Measurers to certify to the number of centals.

Penalty.

Approved March 29, 1880.

AN ACT IN RELATION TO CHELSEA BRIDGE.

Chap. 159

Be it enacted, &c., as follows :

SECTION 1. Upon the payment of the sum of twenty-five thousand dollars by the city of Chelsea to the city of Boston, it shall thereupon be the duty of the city of Boston to forever maintain and keep in repair the north-easterly draw and draw-piers of Chelsea bridge, and also such portion of the bridge as may be included within the piers when re-located.

Boston to forever keep in repair certain part of Chelsea Bridge, upon payment of \$25,000 by Chelsea to Boston.

Upon the payment aforesaid said city of Boston shall, in addition to its existing liability under the laws of this Commonwealth for damages resulting from defects in said

Liability for defects in bridge.

bridge, be likewise liable under said laws for all such defects in that portion of said bridge whereof by this act it assumes the maintenance and repair.

Powers of
Boston in
reconstruction
of bridge.

SECTION 2. For the purpose of reconstructing said Chelsea bridge under the provisions of chapter one hundred and six of the laws of the year eighteen hundred and seventy-six, the city of Boston shall have, with reference to that portion of said bridge the maintenance and repair of which was newly imposed upon the city of Boston by chapter forty-one of the laws of the year eighteen hundred and seventy-eight, and that portion to be maintained and kept in repair under the first section of this act, all the powers with reference to said portions conferred by said chapter one hundred and six of the laws of the year eighteen hundred and seventy-six upon the city of Chelsea. The city of Boston is authorized at its discretion to construct a temporary carriage way, in addition to the foot way mentioned in section five of chapter one hundred and six of the laws of eighteen hundred and seventy-six, with the exemption from liability therein set forth.

Temporary
carriage way.

May build tem-
porary struc-
ture for Lynn
and Boston
Railroad.

SECTION 3. Said city of Boston is further authorized to build a temporary structure upon which the Lynn and Boston Railroad Company may run its cars at its own risk, while said city is rebuilding any portion of said bridge, or said railroad company may build and use said temporary structure itself, subject to the approval of the harbor commissioners: *provided*, that said city shall not be liable to any person or corporation by reason of maintaining said temporary structure, or by reason of any defect therein; and *provided also*, that nothing contained in this section shall be construed to prohibit said city from closing said bridge or any portion thereof to public travel, whenever it shall become necessary in the construction thereof.

Proviso.

Channel of
Mystic River
not to be
obstructed.

SECTION 4. Nothing in this act shall permit any obstruction of the main channel of Mystic River by such temporary structures or otherwise.

SECTION 5. This act shall take effect upon its passage.

Approved March 31, 1880.

Chap. 160 AN ACT RELATING TO THE PREPARATION AND PRESENTATION TO THE GENERAL COURT OF PUBLIC AND PRIVATE BUSINESS.

Be it enacted, &c., as follows :

Estimates for
appropriations
to be made in
detail and in
tabular form.

SECTION 1. Heads of departments and officials making estimates for appropriations, under the requirements of chapter three hundred and forty-nine of the acts of the year eighteen hundred and seventy-two, shall make such

estimates in detail and in tabular form, showing the amounts appropriated for the current year and the amounts required for the ensuing year, with notes explaining the necessity for any new, increased or decreased expenditure, and citations of statute provisions relating to said expenditures. The heads of departments and officials heretofore named, when presenting their estimates for the year eighteen hundred and eighty-one, shall furnish in addition thereto and separately, estimates for a further period of six months beginning January first, eighteen hundred and eighty-two, and also estimates for a period of nine months beginning on the same date.

SECTION 2. The secretary of the Commonwealth shall cause to be printed in one document, and laid before the legislature on the second Wednesday of January in each year, a copy of all applications by towns, cities, persons or corporations for new legislation which may have been filed with him in compliance with sections eight to twelve inclusive of chapter two of the General Statutes; and when said document is laid before the legislature the subject matters of the applications therein named shall be taken and deemed to be in the possession of the legislature for such action as it may deem proper; and to all persons or corporations whose applications are subject to this act the secretary of the Commonwealth shall furnish a copy of this act.

Approved March 31, 1880.

Separate estimates for the six months and nine months from Jan. 1, 1882, to be made, in addition to those for 1881.

Applications for legislation under G. S. 2, §§ 8-12, to be printed in one document and laid before legislature.

Subject matters deemed to be in possession of legislature for action.

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE AUDITING OF THE ACCOUNTS OF COUNTY OFFICERS.

Chap. 161

Be it enacted, &c., as follows:

SECTION 1. The first section of chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy-nine is hereby amended by inserting the words "special commissioners, registers of probate and insolvency, registers of deeds, district attorneys, commissioners of insolvency," in the first line after the word "commissioners," and by inserting the words, "deputy jailers and masters of houses of correction" after the word "jailers," in the first line, and by inserting the words "charged or" after the word "been" in the sixth line, so that said section as amended shall read: — The county commissioners, special commissioners, registers of probate and insolvency, registers of deeds, district attorneys, commissioners of insolvency, sheriffs, jailers, deputy jailers and masters of houses of correction, treasurers, clerks of courts and bail commissioners in the several counties shall keep an accu-

County officers to make return under oath of sums of money received by them, to bank commissioners. 1879, 293, § 1.

rate record of, and shall, on or before the tenth day of January in each year, make return under oath to the commissioners of savings banks, of all sums of money which have in any way been charged or received by them or to their use, by reason or on account of their said offices, or in their official capacity, and also of all expenditures made or incurred by them by reason or on account of the same, for the calendar year next preceding. The commissioners of savings banks shall examine the same and compile the material parts thereof in tabular form, and on or before the tenth day of February in each year report the same to the legislature.

Returns to be compiled in tabular form and laid before the legislature.

County treasurers' books to be examined once a year without previous notice.

Examination of books of other county officers.

SECTION 2. The commissioners of savings banks are hereby directed to inspect the books and accounts of the county treasurer of each county at least once a year without previous notice to said treasurer, and to examine all original vouchers for the expenditures made by said treasurer, for or on account of the several departments or officers having authority to contract the same; and shall also visit, or cause to be visited at least once a year without previous notice, all other said county officers, and at such time make an examination of the books, accounts and vouchers of the aforesaid officers, ascertaining in detail the various items of receipts and expenditures; and said commissioners of savings banks shall ascertain the actual amount of cash or money on hand in either of the aforesaid departments or with said officers, and shall require, so far as possible, uniformity and correctness in the method of keeping said accounts, and may order such classification of receipts and expenditures as they see fit.

Returns to be made in such form as commissioners may prescribe.

Penalties.

SECTION 3. To enable said commissioners of savings banks to perform the services herein required of them, the said county officers shall afford all reasonable and needed facilities; and it is hereby made the duty of all such officers to make returns and exhibits under oath to said commissioners of savings banks, in such form and at such time or times as they shall reasonably prescribe; and such person or persons, who shall refuse or neglect to give such information as may be required by said commissioners, provided the same be within their knowledge, shall be deemed guilty of a misdemeanor and shall be punished therefor by a fine not exceeding one hundred dollars for each offence; and if any person in making such return or exhibit, or giving such information or statement on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of perjury and punished accordingly.

SECTION 4. The said commissioners of savings banks shall report to the attorney-general the refusal or neglect of any county officer to comply with any of the requirements of this act, and it shall be the duty of the attorney-general to promptly take action thereon.

Attorney-general to take action if officers refuse to comply.

SECTION 5. Said commissioners of savings banks shall be allowed, for extra clerical assistance in the duties imposed by this act and in their other duties, a sum not exceeding six hundred dollars a year in addition to the amount authorized by law, the same to be expended under their direction.

Allowance for extra clerical assistance.

SECTION 6. Section two of chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy-nine and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

SECTION 7. This act shall not be construed to abridge the powers or restrict the authority given to the auditor of the county of Suffolk by chapter two hundred and fifty-six of the acts of the year eighteen hundred and seventy-nine.

Powers of auditor of Suffolk County not abridged. 1879, 256.

SECTION 8. This act shall take effect upon the first day of May eighteen hundred and eighty.

Takes effect May 1, 1880.

Approved March 31, 1880.

AN ACT RELATIVE TO THE BONDS OF TREASURERS OF SAVINGS BANKS.

Chap. 162

Be it enacted, &c., as follows:

SECTION 1. The trustees of every savings bank and institution for savings shall file with the commissioners of savings banks a copy of the bond of the treasurer of said bank or institution, and shall notify them of any change thereafter made in said bond.

Copy of bond of treasurer to be filed with commissioners.

SECTION 2. The said commissioners shall keep a record to show when said bonds expire, and of the changes notified to them under the preceding section. And said commissioners shall have authority whenever in their judgment it may be necessary for the security of the depositors to require a new bond to be given in such amount and with such sureties as they shall approve.

Commissioners to keep a record to show when bonds expire, etc.

May require new bond.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1880.

AN ACT RELATING TO THE TERMINATION OF TRUSTS.

Chap. 163

Be it enacted, &c., as follows:

The probate court in each county shall have original jurisdiction concurrent with the supreme judicial court over all matters relating to the termination of trusts under wills, deeds, indentures or other instruments.

Termination of trusts.

Approved March 31, 1880.

Chap. 164 AN ACT TO INCORPORATE THE MANUFACTURERS GAS LIGHT COMPANY OF FALL RIVER.

Be it enacted, &c., as follows :

Corporators.

Name and
purpose.
1867, 62.

May dig up and
open grounds.

To put streets
in repair.

Real estate.

Capital stock.

May acquire
rights of the
Manufacturers
Gas Company
of Fall River.

SECTION 1. Thomas F. Eddy, Charles M. Shove and Joseph A. Baker, their associates and successors, are hereby made a corporation by the name of the Manufacturers Gas Light Company, for the purpose of making and selling gas in the city of Fall River; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation with the consent of the mayor and aldermen of said city shall have power and authority to dig up and open the grounds in any of the streets, lanes and highways in said city for the purpose of laying, sinking and repairing such pipes and conductors as may be necessary to accomplish the object of the corporation and for the purpose aforesaid; but such consent shall not affect the right or remedy to recover damages for any injury which shall be caused to persons or property by the doings of such corporation. They shall put all such streets, lanes and highways which are opened, into as good repair as they were in when they were opened, and upon failure so to do within a reasonable time shall be deemed guilty of a nuisance. The mayor and aldermen of said city shall at all times have power to regulate, restrain and control all acts and doings of the said corporation which may in any manner affect the health, safety, convenience or property of the inhabitants of said city.

SECTION 3. Said corporation may hold such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of forty thousand dollars; and the whole capital stock shall not exceed the sum of fifty thousand dollars.

SECTION 4. The manufacturing corporations in Fall River may severally hold stock, not to exceed thirty-three per cent. of the whole stock, in said gas company; and said gas company may acquire and hold the rights and property formerly belonging to the Manufacturers' Gas Company of Fall River.

SECTION 5. This act shall take effect upon its passage.

Approved March 31, 1880.

AN ACT TO AUTHORIZE THE TOWN OF AGAWAM TO BORROW MONEY. *Chap. 165**Be it enacted, &c., as follows:*

SECTION 1. The town of Agawam, for the purpose of discharging its liability for the payment of its portion of the cost of building the bridge from Springfield over the Connecticut river to that town, may become indebted in addition to its other existing indebtedness in a further sum not to exceed forty thousand dollars. Any debts contracted by virtue hereof shall be made payable at a period not exceeding twenty years from the passage of this act. And said town shall annually raise by taxation a sum not less than three per cent. of the principal indebtedness of the whole amount of the indebtedness of the town, which shall be annually applied towards the payment of the debts of the town, exclusive of the interest of such indebtedness.

May increase its indebtedness \$40,000 to pay for building bridge.

Three per cent of principal indebtedness to be paid annually.

SECTION 2. The provisions of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, and of other acts in addition thereto, shall apply to said town except so far as they are inconsistent herewith.

Provisions of 1875, 209, not inconsistent, to apply.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1880.

AN ACT TO PROVIDE FOR THE SUPPORT AND MAINTENANCE OF CHILDREN OF INSANE PERSONS. *Chap. 166**Be it enacted, &c., as follows:*

SECTION 1. In addition to the provisions of section nineteen of chapter one hundred and nine of the General Statutes providing for the support of the family of a person under guardianship, the probate courts in the several counties, on the application of the guardian of an insane person, or of any child, or guardian of any child of such insane person, after notice to all other persons interested, may authorize and require the guardian of such insane person to apply such portion as the court shall direct of the income of the ward, which is not required for his maintenance and support, to the maintenance and support of any child or children of said ward.

Probate court may direct guardian of insane person to apply income not required for ward, to support of children.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1880.

Chap. 167 AN ACT TO AUTHORIZE THE APPOINTMENT OF SPECIAL SHERIFFS.
Be it enacted, &c., as follows:

Special sheriffs
to be appointed,
to perform
duties of
office when
sheriff is unable
to act.

SECTION 1. The sheriffs of the several counties shall appoint one person within their respective counties special sheriff, who shall give to the sheriff such bond for the faithful performance of his duties as the sheriff may require, and have all the authority that deputy sheriffs now have. And whenever by reason of sickness, absence, interest or other cause the sheriff is unable to perform the duties of his office, and when those duties cannot under existing laws be performed by one of his deputies, the same shall be performed by said special sheriff; and compensation therefor shall be paid by the sheriff when not otherwise provided for by existing laws.

To act during
vacancy in office
of sheriff.

SECTION 2. Whenever a vacancy occurs in the office of sheriff in any county the special sheriff in said county shall perform all the duties required by law to be performed by the sheriff until the office of sheriff is filled in manner provided by law, giving bond as now required by sheriffs. And in case of such vacancy the deputies of the sheriff vacating the office shall continue to have and exercise the power of deputy sheriffs until said office is filled as aforesaid.

Repeal of
1877, 200, §§ 22,
23.

SECTION 3. Sections twenty-two and twenty-three of chapter two hundred of the acts of eighteen hundred and seventy-seven are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 5, 1880.

Chap. 168 AN ACT RELATING TO CRIMINAL JURISDICTION AT DOWNER LANDING IN THE TOWN OF HINGHAM.

Be it enacted, &c., as follows:

Courts of Suffolk County to have concurrent criminal jurisdiction at Downer Landing.

SECTION 1. The courts in the county of Suffolk shall have jurisdiction concurrently with the courts having jurisdiction in the county of Plymouth of all crimes, offences and misdemeanors committed in that portion of the town of Hingham in the county of Plymouth lying within the following limits; viz., beginning at the tide-gate under the bridge on Otis Street, thence running in a direct line to the corner of Lincoln Street and Downer Avenue, thence by Lincoln Street to the Weymouth line, thence by the shore to the place of beginning.

Police of Boston may make arrests and serve criminal process.

SECTION 2. The police officers of the city of Boston shall have the same power and authority to make arrests and serve criminal process in that portion of the town of

Hingham described in section one of this act as they now have in the city of Boston.

SECTION 3. The police commissioners or other person or persons having authority over the police force of the city of Boston, may in their discretion, upon request made to them by any person living or owning property within the limits described in section one of this act, send one or more police officers of the city of Boston to aid the officers of the town of Hingham in maintaining and preserving the peace within said limits.

May be sent to aid officers at Downer Landing.

SECTION 4. This act shall take effect upon its passage.

Approved April 5, 1880.

AN ACT TO ENABLE THE MASSACHUSETTS CENTRAL RAILROAD COMPANY TO CROSS THE LEXINGTON AND ARLINGTON RAILROAD AT GRADE, AND TO CHANGE THE LOCATION OF CERTAIN PORTIONS OF ITS ROAD.

Chap. 169

Be it enacted, &c., as follows:

SECTION 1. Section two of chapter two hundred and fifty-three of the acts of the year eighteen hundred and seventy-nine is hereby amended so far as to authorize the Massachusetts Central Railroad Company to so locate and construct its railroad as to cross the railroad formerly of the Lexington and Arlington Railroad Company, now the property of the Boston and Lowell Railroad Corporation, in the city of Cambridge, at the same level therewith: *provided*, said Massachusetts Central Railroad Company shall first obtain the consent in writing of the board of railroad commissioners thereto, in accordance with chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four.

Massachusetts Central Railroad may cross railroad formerly of Lexington and Arlington Railroad Company.

Proviso.

SECTION 2. The Massachusetts Central Railroad Company is hereby authorized to locate and construct its railroad over and upon such portion of the location of the Ware River Railroad Company as it may hereafter acquire by agreement with said Ware River Railroad Company, and over and upon such portion of the location of the New London Northern Railroad Company as it may hereafter acquire by agreement with said New London Northern Railroad Company: *provided, however*, that nothing in this section shall authorize a relocation of said Massachusetts Central Railroad Company contrary to the provisions of section two of chapter one hundred and forty-eight of the acts of eighteen hundred and seventy-five, and that before any change is made in its location under this act the said Massachusetts Central Railroad Company shall give a

May locate and construct railroad upon the Ware River, and New London Northern Railroads.

Proviso.

bond with sufficient sureties to the parties in interest, to pay all damages already caused by the acts of the railroad upon the portion of the location which may be discontinued under this act, the said bond to be approved by the county commissioners of the county where the land is situated ; or shall pay said damages within six months from the passage of this act.

Ware River
Railroad Com-
pany may re-
locate road.

SECTION 3. The Ware River Railroad Company is hereby authorized to relocate and construct its railroad, and the New London Northern Railroad Company is hereby authorized to relocate and construct its railroad, so far as the same shall become necessary to either company by reason of any agreement made in pursuance of section two of this act: and *provided*, that such relocation and construction shall be made in accordance with law.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1880.

Chap. 170

AN ACT TO ESTABLISH HARBOR LINES IN BOSTON HARBOR.

Be it enacted, &c., as follows :

Harbor lines in
Boston Harbor
established.

SECTION 1. The lines hereinafter described shall be, and the same hereby are, established as lines beyond which no wharf or pier shall be extended into and over the tide waters of the Commonwealth.

City proper.
Dover Street
Bridge.

SECTION 2. The line on the frontage of the city proper begins at point A on the northerly side of Dover Street Bridge, at its junction with the face of the wharf, and is marked by a copper tack through an iron plate on the face of the capsill, and is referred to points A' and A''. A' is on the plank sidewalk on the southerly side of Dover Street Bridge, and is marked by a copper tack through an iron plate: the bearing from point A to A' is the same as the harbor line between the points A and B. Point A'' is at the south-easterly corner of a brick building at the north-easterly corner of Dover and Albany Streets: distance from point A to A'', one hundred and twenty-two and fifty-four one-hundredths feet; bearing from point A to A'', one hundred and four degrees, forty-six minutes, and twenty-three seconds.

Dover and
Albany Streets.

Pope's upper
Wharf.

Thence northerly to point B, which is at the northerly corner of Pope's upper Wharf, and is referred to point B' on the capsill of Pope's lower Wharf, and is marked by a copper tack through an iron plate: distance from B to B', thirty-five and sixty one-hundredths feet; bearing from B to B', one hundred and ninety-eight degrees, three minutes, and nineteen seconds.

Thence northerly to point C, which is at the southerly corner of Furber and Bailey's Wharf, and is referred to point C' on the capsill of the same wharf, and is marked by a nail through an iron plate: distance from C to C', thirty-eight feet; bearing from C to C', one hundred and ten degrees and twenty seconds.

Furber and
Bailey's Wharf.

Thence northerly to point D, which is at the southerly corner of Gutterson's Wharf, and is referred to point D' on the northerly corner of Hamm's Wharf, and is marked by a copper tack through an iron plate on the capsill: distance from D to D', forty-eight and seventy-eight one-hundredths feet; bearing from D to D', thirty-nine degrees, thirty-two minutes, and four seconds.

Gutterson's
Wharf.

Hamm's Wharf.

Thence northerly to point E, which is near the intersection of the southerly side of Broadway Bridge and the face of the wharf, and is referred to point E' on the southerly corner of the Boston and Albany Railroad Wharf, under Broadway Bridge, and is marked by a nail through an iron plate on the diagonal corner-brace framed into the capsill of the wharf: distance from E to E', thirty-six and ninety-two one-hundredths feet; bearing from E to E', two hundred and thirty-six degrees, twenty-six minutes, and fifty-three seconds.

Broadway
Bridge.

Boston and
Albany Rail-
road Wharf.

Thence northerly to point F, which is at the angle in the Boston and Albany Railroad Wharf about one hundred feet below Broadway Bridge, and is referred to point F' on the capsill of the same wharf, and is marked by a copper tack through an iron plate: distance from F to F', forty-six one-hundredths feet; bearing from F to F', one hundred and eighty-one degrees, fourteen minutes, and forty-two seconds.

Boston and
Albany Rail-
road Wharf.

Thence northerly to point G, which is at the face of the Boston and Albany Railroad Wharf, at its intersection with the harbor line between the points G and H; said point G being about twenty-four and one-half feet from the corner of the same wharf, and is referred to points G' and G''. Point G' is on the harbor line between the points G and H, where said last named line crosses the Old Colony Railroad Bridge, and is about sixty-five feet southwesterly from the corner of a freight shed, and is marked by a copper tack through an iron plate: distance from G to G', two hundred and six and eighteen one-hundredths feet; bearing from G to G' is the same as the harbor line between the points G and H. Point G'' is on the capsill of the same wharf as point G, and is marked by a copper tack through an iron plate: distance from G to G'', twenty-

Old Colony
Railroad
Bridge.

two and seventy-eight one-hundredths feet, bearing from G to G'', two hundred and twenty-six degrees, fifty-four minutes, and fifty-seven seconds.

Federal Street
Bridge.

Thence northerly to point H, which is the point of commencement of a curve in the harbor line of three hundred and thirty-eight feet radius; the harbor lines between the points G and H and between the points I and K being tangent thereto. The radius of curve is three hundred and thirty-eight feet; the length of tangent is one hundred and nine and twenty-nine one-hundredths feet; the arc passed through is thirty-five degrees, fifty minutes, and seventeen seconds. Point H is referred to point H' on northerly side of Federal Street Bridge, where the harbor line between the points G and H crosses said Federal Street Bridge, and is marked by a copper tack through an iron plate on the face of the capsill; also by a copper tack in the outside corner of the sidewalk cap: distance from H to H', one hundred and eighty-six and two one-hundredths feet; bearing from H to H', the same as the harbor line between the points H and G.

Austin Wellington's
Wharf.

Thence northerly on an arc of a circle of three hundred and thirty-eight feet radius to point I, which is the point of termination of the curve whose point of commencement is at point H. Said point I is near Austin Wellington's Wharf, and is referred to point I' on the southerly side of Mount Washington Avenue Bridge, where the harbor line between the points I and K crosses said Mount Washington Avenue Bridge, and is marked by a copper tack through an iron plate: distance from I to I', four hundred and sixty-four and eighty-four one-hundredths feet; the bearing from I to I' is the same as the harbor line between the points I and K.

Mount Wash-
ington Avenue
Bridge.

Otis's Wharf.

Thence northerly to point K, which is at the angle in the outer face of Otis's Wharf, about eighty feet south-westerly from the Pioneer Floating Dry Dock, and is referred to points K' and K''. Point K' is on the capsill of Otis's Wharf, and is marked by a copper tack through an iron plate: distance from K to K', fifty-eight one-hundredths feet; bearing from K to K', one hundred and forty-six degrees, fifty-five minutes, and fifty-two seconds. Point K'' is at the south-easterly brick corner of a brick building on the northerly side of the entrance to Arch Wharf: distance from K to K'', one hundred and sixty and thirty-four one-hundredths feet; bearing from K to K'', sixty-two degrees, eleven minutes, and forty-seven seconds.

Arch Wharf.

Thence northerly to point L, which is at the southerly

corner of Long Wharf, and is referred to points L' and L". Long Wharf.
 Point L' is also on the same southerly corner of the said Long Wharf, and is marked by a copper tack through an iron plate on the capsill: distance from L to L', fifty-nine one-hundredths feet; bearing from L to L', one hundred and five degrees, forty-three minutes, and thirty-five seconds. Point L" is at the south-easterly corner of a brick building at the outer end of the said Long Wharf: distance from L to L", two hundred and eighteen and twenty-three one-hundredths feet; bearing from L to L", one hundred and seven degrees, fifty-seven minutes, and forty-eight seconds.

Thence northerly to point M, which is at the northerly corner of Long Wharf, and is referred to point L" before described, and also to point M' on the northerly corner of the said Long Wharf: distance from M to L", two hundred and fifty-nine and ninety-two one-hundredths feet; bearing from M to L", fifty-three degrees, forty-two minutes, and five seconds: distance from M to M', one and nine one-hundredths feet; bearing from M to M', fifty-two degrees and two minutes.

Thence northerly to point N, which is on the northerly corner of Union Wharf, and is referred to point N' on the same northerly corner of the said Union Wharf, and is marked by a copper tack through an iron plate on a three-inch thick false cap, which is spiked to the capsill of the wharf: distance from N to N', one and twenty-nine one-hundredths feet; bearing from N to N', twenty-six degrees, one minute, and five seconds. Union Wharf.

Thence northerly to point O, which is at the southerly corner of Battery South Wharf, and is referred to point O' on the same southerly corner of the said Battery Wharf, and is marked by a copper tack through an iron plate on the front capsill: distance from O to O', one and fifty-three one-hundredths feet; bearing from O to O', one hundred and seventy-nine degrees and twenty-nine minutes. Battery South Wharf.

Thence northerly to point P, which is near the northerly corner of Battery South Wharf, and is referred to point P' on the planking at the same northerly corner of the said Battery South Wharf, and is marked by a copper tack through an iron plate: distance from P to P', two and eighty-two one-hundredths feet: bearing from P to P', sixty-four degrees, thirty-two minutes, and four seconds.

Thence northerly to point Q, which is at the southerly corner of Constitution Wharf, and is referred to point Q' on the same southerly corner of the said Constitution Constitution Wharf.

Wharf, and is marked by a nail through an iron plate: distance from Q to Q', five and fourteen one-hundredths feet: bearing from Q to Q', one hundred and thirty degrees and fifteen minutes.

Thence northerly to point R, which is near the north-westerly corner of Constitution Wharf and about in the line of the westerly side thereof extended, and is referred to point R' on the planking near the same northerly corner of the said Constitution Wharf, and is marked by a copper tack through an iron plate: distance from R to R', one hundred and six and thirty-one one-hundredths feet; bearing from R to R', two hundred and eleven degrees, fifty-seven minutes, and forty seconds.

Fiske's Wharf.

Thence north-westerly to point S, which is near the north-westerly corner of Fiske's Wharf and about in the line of the westerly side thereof extended, and is referred to point S' near the end of the said Fiske's Wharf, and is marked by a copper tack through an iron plate: distance from S to S', one hundred and thirty-eight and seventy-nine one-hundredths feet; bearing from S to S', one degree, forty-five minutes, and six seconds.

Bartlett's South Wharf.

Thence westerly to point T, which is near the north-westerly corner of Bartlett's South Wharf, and is referred to point T' near the outer angle in the northerly face of the said Bartlett's South Wharf, and is marked by a copper tack through an iron plate: point T is also referred to a point in the triangulation of eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, called "Gray's Wharf," which is at the north-westerly corner of a brick building on Gray's Wharf: distance from T to T', fifty-two and fourteen one-hundredths feet; bearing from T to T', two hundred and sixty-four degrees, fifty-eight minutes, and thirty-eight seconds: distance from "Gray's Wharf" to T', sixty-eight and forty-four one-hundredths feet; bearing from "Gray's Wharf" to T', one hundred and ninety-two degrees, twenty-eight minutes, and forty-four seconds.

Bartlett's North Wharf.

Thence westerly to point U, which is at the westerly corner of Bartlett's North Wharf, and is referred to point U', which is on the easterly corner of the said Bartlett's North Wharf, and is marked by a nail through an iron plate on the planking of the wharf: distance from U to U', one hundred and eight and ten one-hundredths feet; bearing from U to U', two hundred and sixty-eight degrees, fifty-five minutes, and forty-three seconds.

Thence westerly to point V, which is at the angle in the

outer face of the wharf of the Boston Gas Light Company, about one hundred and eighty-seven feet from the easterly line of the last named company's land, and is referred to point V' on the sill of the easterly coal shed, and is marked by a copper tack through an iron plate: distance from V to V', thirty-four and eighty-two one-hundredths feet; bearing from V to V', three hundred and thirty-seven degrees and twenty-two seconds.

Boston Gas
Light Com-
pany's Wharf.

Thence westerly to point W, which is at the angle in the outer face of the wharf of the Boston Gas Light Company, next westerly from the angle at the point V last described, and is referred to point W' on the sill used as a guard on the west side of a passage way between two coal-sheds on the said Gas Light Company's Wharf, and is marked by a copper tack through an iron plate: distance from W to W', forty-five and fifty-one one-hundredths feet; bearing from W to W', two hundred and ninety-four degrees, ten minutes, and twenty-three seconds.

Thence westerly to point X, which is at the westerly side of Charles River Bridge at its intersection with the wharf line, and is marked by a copper tack through an iron plate on the capsill outside of the sidewalk.

Charles River
Bridge.

Thence westerly to point Y, which is at the easterly side of Warren Bridge, about seventeen feet northerly from the outer face of Lovejoy's Wharf, and is marked by a copper tack through an iron plate on the capsill outside of the sidewalk.

Warren Bridge.

Thence westerly to point Z, which is at the easterly side of the Boston and Maine Railroad Bridge, where it intersects the face of the wharf at the head of the dock, and is marked by a copper tack through an iron plate.

Boston and
Maine Railroad
Bridge.

Thence westerly to point A^a, which is at the easterly side of the Eastern Railroad Bridge, about one hundred and thirty-eight feet northerly from the head of the dock, and is marked by a copper tack through an iron plate, and is also referred to point A^{a'} at the north-easterly corner of the Boston and Lowell passenger station, at the outer corner of the stone plinth of the buttress: distance from A^a to A^{a'}, one hundred and thirty-eight and three one-hundredths feet; bearing from A^a to A^{a'}, thirty-three degrees, forty-three minutes, and eight seconds. A^a is also referred to A^{a''}, which is at the westerly side of the Boston and Lowell Railroad passenger bridge at the intersection with the northerly face of the said Boston and Lowell freight bridge, and is marked by a copper tack through an iron plate on the capsill; said point A^{a''} being in the alignment of the harbor line between the points A^a and B^a.

Eastern Rail-
road Bridge.

Boston and
Lowell freight
bridge.

Thence westerly to point B^a, which is at the northerly side of the Boston and Lowell freight bridge, where it begins to curve, and is marked by a copper tack, and is also referred to point B^{a'}, which is on the same northerly side of the said Boston and Lowell freight bridge, and in the alignment of the harbor line between the points A^a and B^a produced, and is marked by a copper tack through an iron plate on the capsill: distance from B^a to B^{a'}, thirty-six and eighteen one-hundredths feet; bearing from B^a to B^{a'}, the same as line between points A^a and B^a.

Cragie's Bridge.

Thence westerly to point C^a, which is at the northerly side of Cragie's Bridge, about sixteen feet south-easterly from the old draw-pier, and is marked by a copper tack through an iron plate, and is also referred to point C^{a'}, which is at the easterly corner of the stone step to a brick building at the intersection of the easterly side of Charles Street and the southerly side of Leverett Street: distance from C^a to C^{a'}, two hundred and twenty-one and fifty-two one-hundredths feet; bearing from C^a to C^{a'}, three hundred and twenty degrees, twenty-eight minutes, and nineteen seconds.

Wharf between
Poplar and
Allen Streets.

Thence southerly to point D^a, which is at the northerly corner of the wharf between Poplar and Allen Streets, and is referred to points D^{a'} and D^{a''}. Point D^{a'} is on the southerly side of the scale frame at the entrance from Charles Street to the Boston Gas Light Company's Wharf, and is marked by a copper tack through an iron plate: distance from D^a to D^{a'}, two hundred and forty-eight and thirty-two one-hundredths feet; bearing from D^a to D^{a'}, two hundred and fifty-nine degrees, nine minutes, and thirty-one seconds. Point D^{a''} is at the corner of a brick building at the angle in the easterly side of Charles Street, about one hundred and twenty-two feet northerly from the northerly side of Poplar Street: distance from D^a to D^{a''}, three hundred and thirty-nine and five-tenths feet; bearing from D^a to D^{a''}, two hundred and fifty-seven degrees, fifty-four minutes, and thirty-five seconds.

West Boston
Bridge.

Thence southerly to point E^a, which is at the northerly side of West Boston Bridge at its intersection with the sea wall, and is marked by a copper tack through an iron plate on the cap outside of the brick sidewalk, and is also referred to points E^{a'} and E^{a''}. Point E^{a'} is at the north-easterly corner of the brick building on the south-westerly corner of Charles and Cambridge Streets: distance from E^a to E^{a'}, one hundred and thirty-six and eleven one-hundredths feet; bearing from E^a to E^{a'}, two hundred and

ninety-seven degrees, eight minutes, and thirty-eight seconds. Point E'' is at the south-westerly corner of the jail yard fence, about eighty feet northerly from the south-westerly corner of a brick building on the north-easterly corner of Charles and Cambridge Streets: distance from E^a to E'', one hundred and eighty-eight and fifty-two one-hundredths feet; bearing from E^a to E'', two hundred and fifty-three degrees, twenty-three minutes, and twenty-two seconds.

The line on the frontage of Cambridge and Charlestown begins at point A, at the northerly side of West Boston Bridge at its intersection with the face of the wharf, and is marked by a copper tack through an iron plate on the cap outside of the brick sidewalk.

Cambridge and
Charlestown.

West Boston
Bridge.

Thence north-easterly to point B, which is on the southerly side of Cragie's Bridge at its intersection with the face of the wharf, and is marked by a copper tack through an iron plate on the cap outside of the sidewalk, and is referred to point B', which is at the south-easterly corner of the Boston and Lowell machine shop: distance from B to B', seventy-three and thirty-nine one-hundredths feet; bearing from B to B', two hundred and twenty-four degrees, forty-six minutes, and nineteen seconds.

Cragie's Bridge.

Thence north-easterly to point C, at the southerly side of the Boston and Lowell Railroad passenger bridge at its intersection with the face of the wharf, and is marked on the capsill of the bridge by a copper tack through an iron plate.

Boston and
Lowell passen-
ger bridge.

Thence easterly to point D, which is at the westerly side of Warren Bridge, about sixty-six feet southerly from the outer face of the wharf on the same westerly side of the said Warren Bridge, and is marked by a copper tack through an iron plate.

Warren Bridge.

Thence easterly to point E, which is at the easterly side of Charles River Bridge, about eighty feet southerly from the outer face of Tudor's Wharf, on the same easterly side of the said Charles River Bridge, and is marked by a copper tack through an iron plate.

Charles River
Bridge.

Thence north-easterly to point F, which is about eighty feet south-easterly from the south-westerly corner of Hittinger's Wharf, and nearly in the alignment of the westerly side of said Hittinger's Wharf produced, and is referred to point E: distance from point F to point E, three hundred and seventy-nine feet; bearing from point F to point E is fifty-nine degrees, six minutes, and twenty-seven seconds.

Hittinger's
Wharf.

Navy Yard
Shears Wharf.

Thence north-easterly to point G, which is at the south-westerly corner of the Navy Yard Shears Wharf, and is referred to point G', which is near the same south-westerly corner of the said Navy Yard Shears Wharf, and is marked by a copper tack through an iron plate: distance from G to G', one and forty one-hundredths feet; bearing from G to G', one hundred and fifty degrees and thirty-five minutes.

Map of lines to
be kept in office
of harbor and
land commis-
sioners.

SECTION 3. Maps showing the lines hereby established, and a book or books containing proper descriptive data for determining their location, shall be kept in the office of the harbor and land commissioners, and the public shall have a right to examine the same.

Lines heretofore
established are
superseded.

SECTION 4. All harbor lines heretofore established upon any part of the harbor frontage covered by this act are hereby superseded by the harbor lines established by this act.

SECTION 5. This act shall take effect upon its passage.

Approved April 6, 1880.

Chap. 171

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE, RELATING TO A FURTHER SUPPLY OF WATER FOR THE CITY OF CAMBRIDGE.

Be it enacted, &c., as follows:

Authority of
Cambridge to
take land around
margin of Spy
Pond, repealed
1875, 165.

SECTION 1. So much of chapter one hundred and sixty-five of the acts of the year eighteen hundred and seventy-five as authorizes the city of Cambridge to take such land around the margin of Spy Pond, not exceeding five rods in width, as may be necessary for the preservation and purity of the water of said pond, is hereby repealed: *provided, however*, that this act shall not affect any right already accrued under any former taking of land upon the margin of said pond under said act; and *provided, further*, that this act shall not in any way affect any other provisions of the said act.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

Chap. 172

AN ACT TO AUTHORIZE THE SPRINGFIELD AND NORTH EASTERN RAILROAD COMPANY TO SELL AND CONVEY ITS RAILROAD PROPERTY AND FRANCHISE TO THE BOSTON AND ALBANY RAILROAD COMPANY.

Be it enacted, &c., as follows:

Boston and
Albany Rail-
road Company

SECTION 1. The Springfield and North Eastern Railroad Company is hereby authorized to sell, convey and

transfer to the Boston and Albany Railroad Company the railroad and all the property, rights, privileges and franchises of the said Springfield and North Eastern Railroad Company, and said Boston and Albany Railroad Company is hereby authorized to purchase, receive, hold, operate, use and enjoy said railroad and all said property, rights, privileges and franchises, upon such terms and conditions as shall at any time within one year from the passage of this act be agreed upon by the directors of each of said corporations and approved by a majority in interest of the stockholders of each of said corporations present and voting at meetings duly called for that purpose: *provided*, that the said Boston and Albany Railroad Company shall extend to all railroads connecting now or hereafter with the said Springfield and North Eastern Railroad, the same rate per ton, or per passenger, per mile, over said road, also over their own road, as the said Boston and Albany Railroad Company charges upon its own traffic of the same character; and give the same facilities, conveniences, and prompt dispatch to all freight and passengers to or from connecting roads, over the said Springfield and North Eastern Railroad, as it does to its own traffic of the same character.

may purchase the Springfield and North Eastern Railroad.

No discrimination to be made in charges for freight or passengers.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

AN ACT TO INCORPORATE THE JAMES OTIS SAVINGS BANK.

Chap. 173

Be it enacted, &c., as follows:

SECTION 1. Joseph M. Day, Freeman H. Lothrop, Frank B. Goss, Gorham Hallet, Ansel D. Lothrop, Samuel Snow and Gustavus A. Hinckley, of Barnstable, Charles B. Hall, Charles H. Burgess, Samuel Fessenden and Isaiah T. Jones, of Sandwich, James E. Gifford, Silas Hatch and Silas F. Swift, of Falmouth, Thomas P. Howes of Dennis and Winthrop Sears of Yarmouth, their associates and successors, are hereby made a corporation by the name of the James Otis Savings Bank, to be located in the town and village of Barnstable; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to institutions for savings.

Corporators.

Name.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

Chap. 174 AN ACT TO INCORPORATE THE TRUSTEES OF THE CITY HOSPITAL OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Trustees of the City Hospital of the city of Boston, incorporated.

SECTION 1. The trustees of the City Hospital of the city of Boston for the time being are hereby made a corporation by the name of the Trustees of the City Hospital of the city of Boston; and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

May hold real and personal estate not exceeding \$1,000,000.

SECTION 2. Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one million dollars, which may be given, granted, bequeathed or devised to it, and accepted by the trustees for the benefit of the City Hospital of the city of Boston or any purpose connected therewith. Money received by it shall be invested by the treasurer of the city of Boston under the direction of the finance committee of said city; and all securities belonging to said corporation shall be placed in the custody of said treasurer: *provided*, always, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest, under the direction of said corporation.

Money to be invested by the city treasurer.

Proviso.

Trustees to be seven in number.

SECTION 3. The trustees of the City Hospital shall be seven in number. In the month of April in the year eighteen hundred and eighty, and annually thereafter in the month of January, the city council shall elect, by concurrent vote of the two branches, one member of the board of aldermen, and one member of the common council, to be members of said board of trustees, to hold office during the remainder of the municipal year in which they are elected and until others are elected in their places. And in the month of April in the year eighteen hundred and eighty the mayor shall appoint, subject to the confirmation of the city council, five citizens of Boston, not members of the city council, to be members of the board of trustees of the City Hospital, one of whom shall hold office for five years, one for four years, one for three years, and one for two years and one for one year; and upon such election, and such appointment and confirmation, the terms of office of the trustees of the City Hospital then holding office shall cease and determine. And annually thereafter in the month of April in each year the mayor shall appoint, subject to the confirmation of the city coun-

Appointment of trustees.

oil, one citizen at large as a trustee of the City Hospital to serve for a term of five years from the first Monday in May in the year in which he shall be appointed. The trustees shall at all times be subject to removal from office for cause, by a vote of two-thirds of each branch of the city council present and voting thereon. Whenever any vacancy shall occur in said board of trustees by death, resignation or otherwise, said vacancy shall be filled by the election or appointment, in the manner aforesaid, of another trustee, who shall hold office for the residue of the unexpired term. No member of said board of trustees shall receive any pecuniary compensation for his services.

Subject to removal from office for cause.

SECTION 4. The members of said board shall meet for organization annually on the first Monday of May and choose one of their number as president. They shall have power to make such rules and regulations relating to said City Hospital, and its officers and servants, and to fix and enforce penalties for the violation of such rules and regulations, as they may deem expedient: *provided*, that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions and amendments as the city council may direct.

Organization of board.

Proviso.

SECTION 5. The said trustees shall, subject to the direction of the city council, by ordinance or otherwise, have the general care and control of the City Hospital and of all branches thereof, which have been or which may hereafter be established, together with the buildings and rooms containing the same, and the fixtures and furniture connected therewith, and also of the expenditures of the money appropriated therefor.

Trustees to have general care and control of hospital.

SECTION 6. The said board of trustees may appoint a superintendent with such assistants and subordinate officers as they may think necessary or expedient, and may remove the same, and fix their compensation: *provided*, that the amount thus paid shall not exceed the sum appropriated by the city council for that item of expense, and the income of any moneys which may lawfully be appropriated for the same purpose from funds or property held by said trustees under the provisions of this act.

May appoint superintendent and assistants and fix their compensation.
Proviso.

SECTION 7. The city council shall have power to pass such ordinances, not inconsistent herewith or repugnant to other laws of the Commonwealth, as to the duties and authority of said board as they may from time to time deem expedient.

City may regulate by ordinance the duties and authority of the board.

SECTION 8. This act shall take effect upon its passage.

Approved April 7, 1880.

Chap. 175 AN ACT IN ADDITION TO AN ACT TO ESTABLISH A STANDARD FORM FOR INSURANCE POLICIES.

Be it enacted, &c., as follows:

Conditions to be printed separately and at head of policy.

Massachusetts standard policy.

Insurance against damage by lightning.

To take effect Jan. 1, 1881.

SECTION 1. No fire insurance company authorized to issue policies in this Commonwealth shall issue any policy containing any condition or conditions that the company shall not be liable beyond the whole or any fractional portion of the actual value of the property insured, at the time of the loss or damage, unless said condition or conditions are separately printed in long primer type, Roman or old style face, at the head of the policy, and also in the same type in the body of the policy; and no such company, excepting mutual companies, except as provided in section two of this act, shall issue any policy in which the printed parts, exclusive of the description of the property insured, vary from the Massachusetts standard policy, set forth in the acts of the year eighteen hundred and seventy-three, chapter three hundred and thirty-one, excepting that every such company may issue policies in which any of the provisions of the said policy are printed and erased; and excepting also, that every such company may insert any provisions varying from the provisions of the said standard policy, provided such provisions are printed upon separate slips, or riders, in type of size not smaller than long primer, and are accepted by the insured, and that every such slip or rider is signed by him as well as by an agent or officer of such company duly authorized thereto.

SECTION 2. The provisions of the preceding section shall not prevent any company authorized to insure against damage by lightning from adding in the clause in said standard policy enumerating the perils insured against, the words "also any damage by lightning whether fire ensues or not," and also from adding in the clause of said policy providing for an apportionment of loss in case of other insurance, the words "whether by fire, lightning or both."

SECTION 3. This act shall take effect upon the first day of January in the year eighteen hundred and eighty-one.

Approved April 7, 1880.

Chap. 176 AN ACT TO AMEND CHAPTER FIFTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-TWO, RELATING TO PUBLIC SCHOOLS.

Be it enacted, &c., as follows:

The Bible to be read daily in the public schools.

The first section of chapter fifty-seven of the acts of eighteen hundred sixty-two is hereby amended so as to read as follows: — The school committee shall require the daily

reading of some portion of the Bible without written note or oral comment in the public schools ; but they shall require no scholar to read from any particular version, or to take any personal part in the reading whose parent or guardian shall inform the teacher in writing that he has conscientious scruples against it ; nor shall they ever direct any school books calculated to favor the tenets of any particular sect of Christians to be purchased or used in any of the public schools.

Approved April 7, 1880.

AN ACT IN RELATION TO INVESTMENTS WHICH MAY BE MADE BY SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS. *Chap. 177*

Be it enacted, &c., as follows :

SECTION 1. In addition to the investments authorized by section nine of chapter two hundred and three of the acts of the year eighteen hundred seventy-six, savings banks and institutions for savings may invest in the bonds or notes of any of the counties or towns of the states of Maine, New Hampshire, Vermont, Rhode Island and Connecticut, whose indebtedness does not exceed three per cent. of their valuation.

May invest in bonds or notes of any town or county of the New England States.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE, ESTABLISHING A DISTRICT POLICE FORCE. *Chap. 178*

Be it enacted, &c., as follows :

SECTION 1. Chapter three hundred and five of the acts of the year eighteen hundred and seventy-nine is hereby amended by adding at the end of section twelve the following words, "and in any district where an officer of the district police is appointed to act as inspector of factories and public buildings, the governor may appoint an additional officer of said district police : *provided, however,* that the whole district police force shall not exceed sixteen men."

District police.

Inspector of factories and public buildings.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

AN ACT TO INCORPORATE THE AMHERST WATER COMPANY. *Chap. 179*

Be it enacted, &c., as follows :

SECTION 1. W. S. Clark, D. W. Palmer, L. D. Hills, W. S. Tyler, P E. Irish, H. F. Hills, S. C. Carter, E. F.

Corporators.

Name and
purpose.

Powers and
duties.

May convey
into the town of
Amherst the
water of
Amethyst
Brook of
Pelham.

May lay water
pipes through
private lands.

May dig up
roads under
direction of
selectmen.

To file in regis-
try of deeds a
description of
the land taken.

Cook, J. H. Seelye and W. A. Dickinson, their associates and successors, are hereby made a corporation by the name of the Amherst Water Company, for the purpose of furnishing the inhabitants of Amherst with pure water for the extinguishment of fires, domestic and other purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. Said corporation may take, hold and convey into and through the town of Amherst or any part thereof, the water of what is known as the Amethyst Brook, formerly Valley, situated in the town of Pelham; and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same, and dig therein for the purpose of making all necessary repairs; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act, file in the registry of deeds of the county of Hampshire a description of any land so taken, sufficiently accurate for identification; and state the purposes for which it is so taken; and the title of land so taken shall vest in said corporation. Any person injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken or diverted by said corporation, nor after three years from the time the water is actually so taken or diverted; and no suit for injury done under this act shall be brought after two years from the alleged date of the injury.

SECTION 4. Said corporation may distribute the water through said Amherst, may establish and fix from time to time the rates for the use of said water and collect the same; and may make such contracts with the town of Amherst, or any fire district that may hereafter be established, or with individuals, to supply water for fire or for other purposes, as may be agreed upon by said town, or such fire district, or individuals and said corporation. It may also distribute water through that part of Pelham known as West Pelham, and shall have the same rights and powers in and for that locality that are granted it by the other sections of this act in and for the said town of Amherst.

May establish water rates and collect the same.

May distribute water through West Pelham.

SECTION 5. Said corporation for the purposes set forth in this act may hold real and personal property not exceeding twenty thousand dollars in value; and the whole capital stock shall not exceed seventy-five thousand dollars to be divided into shares of one hundred dollars each; and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in.

Real and personal property not to exceed \$20,000.

Capital stock and shares.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 7. The town of Amherst shall have the right at any time within three years after the charter hereby granted takes effect, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, together with interest at a rate not exceeding seven per cent. per annum, said cost to include all actual loss or damage paid or suffered by said company for injury to person or property, deducting from said cost any and all dividends which may have been paid by said corporation, or at such a price as may be mutually agreed upon between said corporation and the town of Amherst; and the said corporation is authorized to make a sale of the same; and this authority to purchase said

Town of Amherst may purchase franchise and property.

franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at any annual meeting or at a legal meeting called for that purpose; and the question of such purchase shall not be presented to said town more than twice in any one year.

Subject to a vote of the town.

SECTION 8. This act shall take effect upon its passage.

Approved April 7, 1880.

Chap. 180 AN ACT RELATIVE TO PERSONS HOLDING OFFICE IN VIOLATION OF THE CONSTITUTION AND THE LAW.

Be it enacted, &c., as follows :

Penalty for holding office in violation of the constitution and the law.

SECTION 1. Any person wilfully accepting or holding office in violation of article two of chapter six of the constitution, or accepting or wilfully holding any office in violation of section thirty-six of chapter fifteen of the General Statutes, shall forfeit and pay into the treasury of the Commonwealth any and all compensation received by him from any and all offices during the time in which he has held any office in violation of law; and upon failure or neglect to comply with the provisions of this act the attorney-general shall promptly take steps to recover the same in an action of law upon a written complaint within one year, from any citizen of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1880.

Chap. 181 AN ACT TO AMEND AN "ACT RELATING TO THE INSPECTION OF FACTORIES AND PUBLIC BUILDINGS."

Be it enacted, &c., as follows :

Inspection of buildings. 1877, 214, § 7.

Section seven of chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy-seven is hereby amended by inserting the words "and mercantile," after the word "manufacturing," in the fourth line of said section.

Approved April 9, 1880.

Chap. 182 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit: —

In the resolve, chapter thirteen, in favor of the town of Warren, the sum of fifty-five dollars and thirty-five cents.	Town of Warren.
In the resolve, chapter fourteen, in favor of John Donnelly, the sum of thirty-six dollars, payable on the first day of April, eighteen hundred and eighty.	John Donnelly.
In the resolve, chapter fifteen, in favor of the state normal school at Framingham, the sum of two hundred and forty-six dollars, to be paid out of the moiety of the school fund devoted to general educational purposes.	Normal school at Framingham.
In the resolve, chapter sixteen, in favor of the disabled soldiers' employment bureau, the sum of three thousand dollars.	Disabled soldiers' employment bureau.
In the resolve, chapter eight, entitled "Resolve to amend chapter fifteen of the resolves of the year eighteen hundred and seventy-five, authorizing the publication of a list of Massachusetts officers, sailors and marines, who served in the navy in the late civil war," a sum not exceeding one thousand dollars.	List of officers and sailors in the navy.
In the resolve, chapter eighteen, in favor of the state almshouse at Tewksbury, eight thousand three hundred and seventy-five dollars.	State almshouse.
For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.	Sergeant-at-arms.
In the resolve, chapter nineteen, in favor of the state prison at Concord, the sum of ten thousand dollars.	State prison.
In the resolve, chapter twenty, in favor of the Massachusetts charitable eye and ear infirmary, the sum of nine thousand dollars.	Eye and ear infirmary.
In the resolve, chapter twenty-two, relating to the purchase of an engine and boiler for the state prison at Concord, the sum of eight thousand dollars.	State prison.
In the resolve, chapter twenty-five, in favor of Annie Jackson, the sum of one hundred dollars.	Annie Jackson.
In the resolve, chapter twenty-six, in favor of Philip Mackey, the sum of fifty dollars.	Philip Mackey.
In the resolve, chapter thirty, in aid of the Massachusetts teachers' association, the sum of three hundred dollars; the said amount to be paid from the moiety of the school fund applicable to educational purposes.	Massachusetts teachers' association.
In the resolve, chapter thirty-one, in favor of the trustees of the state lunatic hospital at Danvers, the sum of twenty thousand dollars.	State lunatic hospital at Danvers.
In the resolve, chapter thirty-two, concerning the printing of laws relating to elections, a sum not exceeding three hundred and fifty dollars.	Election laws.
In the resolve, chapter thirty-three, in favor of female	Discharged female prisoners.

prisoners discharged from jails and houses of correction, the sum of two hundred dollars.

Adjutant-general's extra clerks, etc.

From the appropriation made the present year for the compensation of extra clerks in the office of the adjutant-general, there may be used the sum of two hundred dollars for compensation of employés at the state arsenal, the same to be in addition to the sum heretofore appropriated.

State and military aid.

For postage, printing and other expenses, made necessary in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

Proceeds of sale may be used for purchase of military supplies.

Any sums of money received under the provisions of section eighty-six of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight, and from the sale of grass at the state camp ground, may be expended by the quartermaster-general, under the direction of the governor and council, for the purchase of other military supplies and for the care and improvement of said ground.

Small items of expenditure.

For small items of expenditure for which appropriations have been exhausted, or have reverted to the treasury in previous years, a sum not exceeding three hundred dollars.

State reform school for boys.

For the payment of salaries at the state reform school for boys, a sum not exceeding eleven thousand dollars, and for other current expenses of said institution, a sum not exceeding nineteen thousand dollars, the same to be in addition to the amount heretofore appropriated; of the sum for current expenses, the sum of fifteen hundred and seventy-five dollars and ninety-seven cents may be used for the payment of expenses incurred on account of the year eighteen hundred and seventy-nine.

Reformatory prison for women.

For expenses incurred in the removal and commitment of prisoners to the reformatory prison for women, a sum not exceeding three hundred dollars.

Commitment and removal of prisoners.

In the act, chapter one hundred and twenty, "in relation to commitments to the state prison and reformatory prison for women, and removals of prisoners," in order to carry out the provisions of section five of said act only, a sum not exceeding three hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1880.

Chap. 183

Trial and sentence of juvenile offenders.

AN ACT CONCERNING THE TRIAL OF JUVENILE OFFENDERS.

Be it enacted, &c., as follows:

SECTION 1. Judges of district, police and municipal courts, and trial justices, shall have jurisdiction of felonies, punishable by imprisonment other than imprisonment for

life, committed by juvenile offenders under seventeen years of age, and upon conviction may sentence such offenders to any punishment provided by law for the offence other than imprisonment in the state prison or to any institution established by authority of the laws of the Commonwealth for the reformation of juvenile offenders, in like manner and subject to the same provisions of law as now apply to juveniles committed to such institutions, or said judges or justices may order the offenders to recognize with sureties for their appearance before the superior court in due course of law.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1880.

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE ACQUISITION OF TITLE BY THE UNITED STATES TO LANDS FOR LIGHT-HOUSE PURPOSES AND TO CEDE JURISDICTION THEREOF.

Chap. 184

Be it enacted, &c., as follows:

SECTION 1. The board of harbor and land commissioners, with the approval of the governor and council, are hereby authorized in the name and behalf of the Commonwealth to convey to the United States the title to any tracts of land covered by navigable waters within the Commonwealth, necessary for the purpose of erecting light-houses, beacon lights, range lights or other aids to navigation, and light keepers' dwellings, upon the application of any authorized agent or agents of the United States: *provided*, that said title shall revert to and revest in the Commonwealth whenever the said premises shall cease to be used for the purposes herein before described.

Title to lands covered by navigable waters may be conveyed to the United States for light-house purposes.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1880.

AN ACT TO PROTECT THE PURITY OF THE PONDS OF THE COMMONWEALTH.

Chap. 185

Be it enacted, &c., as follows:

SECTION 1. Whoever shall drive any horse on the ice on any pond, the water of which is used for the purpose of domestic water supply for cities or towns, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

Penalty for driving horse on the ice of a pond used for domestic water supply.

SECTION 2. The provisions of the preceding section shall not apply to persons engaged in cutting or harvesting ice from such ponds, or in hauling or teaming logs, wood or lumber.

Not to apply to persons cutting ice, etc.

Approved April 9, 1880.

Chap. 186 AN ACT RELATING TO THE REMOVAL OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

Be it enacted, &c., as follows :

Decree of removal of executor, etc., to have effect notwithstanding an appeal.

SECTION 1. A decree of the probate court removing an executor, administrator, guardian or trustee, for any cause provided by law, shall have effect, notwithstanding an appeal from such decree, until otherwise ordered by the supreme judicial court.

Probate court may appoint a successor to person removed. Proviso.

SECTION 2. The probate court may appoint a successor in the trust to the person removed, and such successor shall proceed in the performance of his duties in like manner as if no appeal had been taken : *provided, however*, if the decree of removal is reversed by the supreme judicial court, the powers of such successor shall thereupon cease, and he shall forthwith deliver to his predecessor in the trust, or to such person as the court shall order, all goods, chattels, moneys and effects of the estate in his hands.

Person removed to deliver to successor all goods and effects in his hands.

SECTION 3. Upon the appointment of a successor, as mentioned in section two, the person removed shall deliver to such successor all goods, chattels, moneys and effects in his hands belonging to the estate held by him ; and upon his neglect or refusal to deliver the same, the probate court may, upon application of such successor or any party beneficially interested in the estate, require such delivery.

Probate courts may enforce orders and decrees and punish contempt thereof.

SECTION 4. The several probate courts shall have like power and authority for enforcing all orders and decrees made under this act, and for punishing any contempt thereof, as are vested in the supreme judicial court sitting in equity for such purposes, in relation to any suit or matter in that court ; and any decree of the probate court made in pursuance of the provisions of this act shall have effect, notwithstanding an appeal therefrom, until otherwise determined by the appellate court.

Supreme judicial court may suspend or modify order, etc., during pendency of appeal.

SECTION 5. The supreme judicial court for any county, or any justice thereof, in term time or vacation, after an appeal has been claimed from any order or decree made under this act and before the same has been finally determined, may suspend or modify such order or decree during the pendency of such appeal.

Repeal.

SECTION 6. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved April 9, 1880.

AN ACT RELATING TO SPECIAL ASSESSMENTS ON REAL ESTATE OF A PORTION OF THE COST OF PUBLIC IMPROVEMENTS. *Chap. 187*

Be it enacted, &c., as follows :

SECTION 1. Whenever in any city of this Commonwealth any board of public officers having authority so to do shall pass any order to lay out, alter, widen, grade or discontinue any street, to establish, grade and construct any sidewalk, or complete any partially constructed sidewalk in any street, or to lay, make and maintain or repair any main drain or common sewer, or to make any other public improvement for a portion of the expense of which assessments are or may be authorized to be made upon real estate, the clerk of such board shall within ten days thereafter file a declaration thereof in the registry of deeds of the county or district wherein such city is situated.

Declaration of order for laying out street, etc., to be filed in registry of deeds, if assessments are to be made for betterments, etc.

SECTION 2. Such declaration shall state in general terms the action of the board, and its intention to assess upon the estates benefited thereby a proportional part of the expense or charge of the work done in pursuance of such order, and shall specify the streets or parts of streets upon which are situated the parcels of real estate so to be assessed. The register of deeds shall cause every such declaration so filed in the registry to be forthwith entered in a book kept for the purpose, classified according to the names of the streets specified therein.

To state action of board and intention to assess upon estates benefited.

SECTION 3. No assessment of a proportional part of the expense or charge of the work done in pursuance of any such order shall be laid upon or in respect of any parcels of real estate except such as abut upon streets specified in such declaration ; and no such assessment shall constitute a lien upon the real estate assessed unless a declaration shall have been filed as required by this act.

Assessments to be made only upon such real estate as abuts upon streets specified.

SECTION 4. The term "street," for the purposes of this act, shall be construed to include highways, townways, footways, private ways, courts, lanes, alleys and passageways.

"Street" defined.

SECTION 5. This act shall not take effect in any city until it has been duly accepted by vote of its city council.

To take effect upon acceptance.

Approved April 9, 1880.

AN ACT EXEMPTING RELIGIOUS SOCIETIES FROM OBTAINING LICENSE FOR PUBLIC ENTERTAINMENTS. *Chap. 188*

Be it enacted, &c., as follows :

SECTION 1. All religious societies shall be exempt from obtaining a license required by the laws of this Common-

Religious societies not required to

obtain license
for public
entertainments.

wealth for public entertainments, provided said entertainments are for a religious or charitable purpose.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1880.

Chap. 189

AN ACT TO AUTHORIZE THE CHOICE OF ADDITIONAL TRUSTEES OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, &c., as follows :

Additional
trustees may
be chosen.

The corporators of any savings bank or institution for savings may choose additional trustees of such bank or institution at a special meeting to be held within sixty days after the passage of this act.

Approved April 9, 1880.

Chap. 190

AN ACT TO RATIFY THE ELECTION OF TOWN OFFICERS IN SHEL-BURNE.

Be it enacted, &c., as follows :

Election of
town officers
ratified.

SECTION 1. The election of town officers in the town of Shelburne made at the annual town meeting held in that town on the first day of March in the current year, so far as the said election may be illegal for the reason that the check list was not used in said election, is ratified and confirmed, and the same shall be taken and deemed to be good and valid in law to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1880.

Chap. 191

AN ACT TO SUPPLY THE TOWN OF MARLBOROUGH WITH PURE WATER.

Be it enacted, &c., as follows :

Water supply
for town of
Marlborough.

SECTION 1. The town of Marlborough is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; to establish fountains and hydrants; to regulate their use and relocate or discontinue the same; and to fix and collect rents for the use of said water.

May take waters
of Gates and
White Ponds.

SECTION 2. Said town for the purposes aforesaid may take and hold the waters of Gates Pond in the town of Marlborough, or the waters of White Pond in the towns of Hudson and Stow, or the waters of either of said ponds or of both and the waters flowing into said ponds or either of them and of the effluents from the same and all water rights connected therewith; and may convey said waters of White Pond and the waters flowing into the same, and

of the effluents from said White Pond or any part thereof, through the town of Hudson and into the town of Marlborough; and may convey said waters of Gates Pond or said waters of White Pond, or the waters of either of said ponds or of both, and the waters flowing into said ponds or either of them and of the effluents from the same, or any part thereof, to any and all parts of the town of Marlborough; and may also take and hold by purchase or otherwise all necessary lands for raising, diverting, flowing and holding said waters and securing and preserving the purity of the same not exceeding five rods in width around the margin of said Gates Pond and White Pond, and all necessary lands for conveying said waters of White Pond through the town of Hudson and into the town of Marlborough, and for conveying the waters of said ponds or of either of them to any and all parts of said town of Marlborough; and such other lands in said town of Marlborough as may be necessary to construct and maintain one or more storing and distributing reservoirs; and may erect on said lands proper dams, buildings, fixtures and other structures, and make thereon excavations and embankments, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water courses, roads or railroads, and along any street, highway, alley or other way, in such manner as not to unnecessarily obstruct the same, and for the purposes of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water, water sources or water rights as aforesaid, otherwise than by purchase, said town of Marlborough shall file in the registry of deeds for the county of Middlesex in the district in which the same is situated, descriptions of said lands, water, water sources and water rights, sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the selectmen of said town.

May convey
waters into
town of Marl-
borough.

May construct
reservoirs.

May lay down
conduits.

To file in
registry of
deeds within
sixty days, a
description of
the land taken.

SECTION 3. The said town of Marlborough shall be liable to pay all damages sustained by any person or persons in their property by the taking of any lands, water, water sources, water rights or easements, or by the con-

Liability for
damages.

struction of any dams, aqueducts, reservoirs, water ways or other works for the purposes of this act. If any person or persons sustaining damages as aforesaid cannot agree with the town upon the amount of the damages to be paid therefor, such person or persons may have said damages assessed by the county commissioners for the county of Middlesex by making an application in writing therefor to said commissioners, within three years from the taking of such lands, water, water sources, water rights or easements, or the construction of dams, reservoirs or other works occasioning injury or damage as aforesaid but not thereafter; and if either party be aggrieved by the doings of said county commissioners in the estimation of said damages, he or they may have said damages determined by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided for by law with respect to damages for land taken for highways.

May be determined by a jury.

"Marlborough Water Loan" not to exceed \$125,000.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority to issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated on the face thereof, "Marlborough Water Loan," to an amount not exceeding one hundred and twenty-five thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per cent. per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper; and said town shall annually raise by taxation an amount sufficient, together with the net income and receipts from rents for the use of said water, to pay the interest on said loans as it accrues, and shall also, within two years after the introduction of the water into said town of Marlborough, establish a sinking fund and contribute thereto from year to year an amount raised annually by taxation, which together with the net surplus income and receipts after deducting all interest, expenses and charges of distribution, if any remains, sufficient with the accumulations of such amounts to extinguish said loan at maturity; and said sinking fund shall be applied to the payment of the principal of said loan until the same is fully discharged and paid, and for

Sinking fund.

no other purpose. The board of water commissioners hereinafter named shall be the trustees of said fund, and shall report the condition of the same, and render an account of all their doings in relation thereto annually to the town.

Trustees of fund.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or uses the same for any purpose without consent of the town, or destroys or injures any dam, conduit, hydrant, machinery or other works or property, held, owned or used by said town under authority of and for the purposes of this act, shall forfeit and pay to the said town three times the amount of damage assessed therefor, to be recovered in an action of tort; and on conviction of either of the acts aforesaid may be punished by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

Penalty for polluting or diverting water.

SECTION 6. At the meeting hereinafter provided for the acceptance of this act, or at any legal meeting called for this purpose, five persons shall be elected by ballot to contract for and superintend the construction and completion of the water works, who shall exercise all rights, powers and privileges for that purpose herein granted, subject however to instructions and directions of the town. At said meeting or at any legal meeting called for this purpose, there shall also be elected by ballot three persons, who shall constitute a board of water commissioners; one of said three persons shall be elected for a term ending on the day of the next annual town meeting thereafter, in April; one for a term one year longer than the first; and one for a term two years longer than the first; after which first election one member of said board as the term of each incumbent expires, shall be elected at the annual town meeting to serve for the term of three years. Said board of commissioners shall have charge of the water works when completed, and may fix the price or rent for the use of water, and may exercise all the rights, powers and authority granted to said town by this act relative to such duties, subject however to such instructions, rules and regulations as said town may impose by its vote, and a majority of said board of commissioners shall constitute a quorum for the transaction of business relative both to the water works and as trustees of the sinking fund. Any vacancy occurring in said board of commissioners from any cause may be filled by said town at any legal town meeting, for the unexpired term.

Five persons to be elected to contract for and superintend works.

Board of water commissioners to be elected.

Subject to
acceptance by
the voters.

SECTION 7. This act shall take effect upon its passage; but no expenditure shall be made or liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by a vote of two-thirds of the legal voters of said town present and voting thereon at a legal meeting called for that purpose within three years from the passage of this act; the number of said meetings called for that purpose in any one year not to exceed two.

Approved April 12, 1880.

Chap. 192 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO PAY A CERTAIN BOUNTY TO HENRY W. GREEN FOR SERVICE IN THE LATE WAR AS PART OF THE QUOTA OF SAID TOWN.

Be it enacted, &c., as follows:

May pay a
soldier's bounty
to Henry W.
Green.

SECTION 1. The town of Stoneham is hereby authorized to raise money and pay to Henry W. Green the sum of one hundred dollars as a bounty for service in the late war as a part of the quota of said town, provided, that the said town shall not be reimbursed by the Commonwealth for the money so paid under this act.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1880.

Chap. 193 AN ACT CONCERNING THE PREPARATION, PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Be it enacted, &c., as follows:

Public reports
and documents.

SECTION 1. There shall be printed annually, on or before the assembling of the legislature or as soon thereafter as possible, the number of copies of documents and reports specified in the following list, the same to be numbered in a series to be called public documents, and distributed as herein provided; and said reports and documents shall be made as brief as may be without omitting any facts or information which the officer or department making the report is required by law to furnish therein; and no larger number than is herein provided for shall be printed at the expense of the Commonwealth, nor be paid for out of any contingent fund, nor the earnings of any department or institution, the earnings of which are the property of the Commonwealth; and no bill for printing any larger number shall be approved by the auditor, nor be paid out of any funds belonging to the Commonwealth: —

Registration.

Registration of births, marriages and deaths, three thousand copies.

Education.

Report of secretary of board of education, four thousand copies.

Report of librarian of state library, one thousand two hundred copies.	State library.
Report of secretary of board of agriculture, six thousand four hundred copies.	Agriculture.
Report of treasurer and receiver-general, one thousand copies.	Treasurer.
Report of auditor of accounts, one thousand two hundred copies,	Auditor.
Report of adjutant-general, one thousand seven hundred and fifty copies.	Adjutant-general.
Report of savings bank commissioners, one thousand four hundred and fifty copies.	Savings banks.
Report of insurance commissioner, on fire insurance, two thousand two hundred copies.	Fire insurance.
Report of insurance commissioner, on life insurance, one thousand five hundred copies.	Life insurance.
Abstract of returns of corporations, two thousand copies.	Corporations.
Report of harbor and land commissioners, one thousand five hundred copies; five hundred to be placed at the disposal of the commissioners.	Harbor and land commissioners.
Report of attorney-general, one thousand five hundred copies.	Attorney-general.
Report of board of commissioners of prisons, one thousand five hundred copies. There shall be printed in addition to the foregoing, three hundred copies of that portion of the report referring to the reformatory prison for women, for the use of the superintendent; five hundred copies of that portion referring to the state prison, for the use of the warden; and two hundred copies of that portion referring to the agent for aiding discharged convicts, for the use of said agent.	Prisons.
Report of railroad commissioners and returns of railroad corporations, one thousand five hundred copies.	Railroads.
Report of railroad commissioners (without returns), one thousand seven hundred and fifty copies.	Railroad commissioners.
Report of bureau of statistics on the subject of labor, three thousand copies.	Labor.
Report of the tax commissioner, one thousand seven hundred copies.	Tax.
Report of state board of health, lunacy and charity, one thousand nine hundred copies.	Health, lunacy and charity.
Supplementary report of the health department of the board of health, lunacy and charity, three thousand six hundred copies.	
Report of the trustees of the state primary and reform schools, one thousand four hundred copies.	Primary and reform schools.

Polls, property, etc.	Aggregates of polls, property and taxes, one thousand five hundred copies.
Lunatic hospitals.	Report of trustees of lunatic hospital at Northampton, one thousand two hundred and fifty copies. Report of trustees of lunatic hospital at Taunton, one thousand two hundred and fifty copies. Report of trustees of lunatic hospital at Worcester, one thousand two hundred and fifty copies. Report of trustees of lunatic hospital at Danvers, one thousand two hundred and fifty copies.
State work-house.	Report of trustees of state workhouse at Bridgewater, one thousand copies.
Inland fisheries.	Report of commissioners on inland fisheries, two thousand copies.
State almshouse.	Report of board of trustees of the state almshouse, one thousand copies.
Blind asylum.	Report of trustees of Perkins institution and Massachusetts school for the blind, one thousand two hundred and fifty copies.
Idiotic youth.	Report of trustees of school for idiotic and feeble-minded youth, one thousand two hundred and fifty copies.
500 copies to be bound in sets.	SECTION 2. The state printers are authorized to retain five hundred copies of each of the series of public documents named in section one of this act, for binding in sets; the secretary of the Commonwealth being authorized to furnish, as heretofore, one set to each city and town, and one set to such public and other libraries as he in his discretion may select. And all public documents, the distribution of which is not otherwise provided for, shall be distributed under direction of the secretary of the Commonwealth and the secretaries or heads of the several boards and departments.
Distribution.	SECTION 3. There shall also be printed the following:—
Manual.	Of the manual for the General Court, to be prepared each year by the clerks of the two branches, two thousand nine hundred copies.
List of members and committees.	Of the lists of members and committees of the General Court, to be prepared each year by the clerks of the two branches, one thousand five hundred copies; three hundred and fifty of which shall be bound in memorandum-book form, for the use of members and officers of the legislature.
Blue Book.	Of the "Blue Book," two thousand five hundred copies.
Pamphlet edition hereafter to contain all the laws and resolves.	Of the pamphlet edition of the Laws and Resolves, which shall hereafter contain all the acts and resolves passed by the legislature, twenty thousand copies.

Of the governor's address, in addition to the eight hundred copies printed for the use of the legislature, one thousand two hundred copies; five hundred of which shall be for the personal use of the governor.

Governor's
address.

SECTION 4. Each member of the executive and legislative departments, the clerks of both branches of the legislature, and each reporter assigned a seat in either branch of the legislature, shall be entitled to receive one copy of each of the documents named in this act.

Distribution of
documents.

Each member of the legislature shall also be entitled to receive ten additional copies of the report of the secretary of the board of agriculture, four additional copies of the supplementary report of the health department of the board of health, lunacy and charity, four additional copies of the manual and two additional copies of the "Blue Book."

Three hundred copies of the manual shall be reserved for the succeeding General Court; and the remaining copies of the manual, and lists of members and committees, shall be in charge of the clerks of the two branches, to be distributed at their discretion; members of the legislature and state officers to be entitled to first consideration.

SECTION 5. There shall be printed, to be sold under the direction of the secretary of the Commonwealth, at a price not less than the actual cost of the same, of the following named documents:—

Sale edition.
One hundred
copies.

Report of the secretary of the board of agriculture, one hundred copies.

Agriculture.

Report of insurance commissioner on life insurance, five hundred copies.

Life insurance.

Report of commissioners on savings banks, fifty copies.

Savings banks.

Supplementary report of health department of the board of health, lunacy and charity, one thousand copies.

Health
department.

Manual, one hundred copies.

Manual.

"Blue Book," one hundred copies.

Blue Book.

SECTION 6. The state printers are authorized to stereotype and secure copy-right upon the following named documents:—

To be stereo-
typed.

The report of the secretary of the board of agriculture, and the supplementary report of the health department of the board of health, lunacy and charity; and to print, from time to time, such copies as the secretary of the Commonwealth may order to supply the public demand; said copies to be supplied to applicants at cost.

Agriculture.

Health.

To be sold at
cost.

Repeal.

SECTION 7. Chapter two hundred and sixty-four of the acts of the year one thousand eight hundred and seventy-eight, and all other acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved April 15, 1880.

Chap. 194 AN ACT TO AMEND "AN ACT TO REGULATE THE HOURS OF LABOR IN MANUFACTURING ESTABLISHMENTS."

Be it enacted, &c., as follows:

Hours of labor
regulated.
1874, 221.

SECTION 1. Chapter two hundred and twenty-one of the acts of the year eighteen hundred and seventy-four is hereby amended by adding to the first section the following words:—"and any person, firm or corporation employing minors under the age of eighteen years, or women in any manufacturing establishment, shall post a printed notice in a conspicuous place in every room where such help is employed, which notice shall state the number of hours work required of such persons on each day of the week; and the employment of any such persons for a longer time in any one day than the time stated in such notice shall be deemed a violation of this act, unless it shall appear that such employment on such day was in compensation for and to make up for time lost in consequence of the stopping of machinery upon which such persons were employed, or dependent upon the same for employment, on some previous day of the week of which such day formed a part."

Penalties.
1874, 221, § 2.

SECTION 2. Section two of the same chapter is hereby amended by striking out the words "not exceeding fifty dollars," and inserting in their place the words "not less than fifty nor more than one hundred dollars for each offence."

To take effect
July 1, 1880.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and eighty.

Approved April 15, 1880.

Chap. 195 AN ACT TO INCORPORATE THE LYNN WORKINGMEN'S AID ASSOCIATION.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. John M. Berry, William H. Gove, Charles R. Tandy, William C. Lamphier, Preston Parker, their associates and successors, are hereby made a corporation by the name of the Lynn Workingmen's Aid Association, in the city of Lynn, to purchase and hold real estate in

Name and
purpose.

said city, to improve the same for homes to be owned by working people and others, and to sell houses and lots, payable at cost on instalments to persons who shall occupy the same under its rules; with all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Duties and
liabilities.

SECTION 2. Said corporation is authorized to receive from the trustees, under the grant of John M. Berry, a conveyance of the real estate granted by said Berry "in trust to the use of the Lynn Workingmen's Aid Association, when the same shall be duly organized and incorporated in said Lynn," and to apply the said real estate to the purposes aforesaid.

May receive
from trustees
under grant of
John M. Berry,
a conveyance of
real estate.

SECTION 3. Said corporation may hold real and personal estate for the purpose aforesaid not exceeding fifty thousand dollars in value, and it may receive and hold in trust, or otherwise, funds received by gift or bequest to be by it devoted to such purposes.

Real and per-
sonal estate not
exceeding
\$50,000.

SECTION 4. Any person residing in Lynn over twenty-one years of age, and of good moral character, may become a member of said association upon making application to the officers of the same, and paying an admission fee not to exceed ten dollars.

Qualifications
for membership.

SECTION 5. No shares shall be issued in said corporation, but each member shall have an equal vote at its general meetings. No member of said association shall directly or indirectly derive any pecuniary profit from said association, provided that every member shall have an equal opportunity at each meeting he attends to buy a house and lot whenever a house is constructed by the association, and shall have the preference for such privilege over those not members of said association. In case any member receives the privilege of buying a house and lot of said association, the amount of his admission fee shall be returned to him, and he shall cease to be a member, and cannot again become such until he has paid for said house and lot in full, or has given up his privilege and a full settlement has been made between him and the association.

Shares not to
be issued.

Each member
to have an
equal vote.

Privilege of
buying a house
and lot.

SECTION 6. No assessment shall be laid upon the members of said association to exceed one dollar and twenty cents per annum.

Assessments
not to exceed
\$1.20 per
annum.

SECTION 7. No purchase shall be made by said association upon credit, and all the business of said association shall be done for cash so far as practicable. No title shall

Purchases not
to be made by
the association
upon credit.

be given by said association to any real estate sold by it until full payment has been received for the same.

House and lot not to exceed in cost eight hundred dollars.

SECTION 8. Said association shall not provide any house and lot costing over eight hundred dollars; and no house and lot costing over three hundred dollars shall be sold so long as any member is ready to take one costing less than that sum, and to make the requisite payments to buy the same. Any person buying a house and lot worth more than three hundred dollars of said association shall pay ten per centum of its cost at the time of receiving the privilege of buying it.

To be paid for in monthly instalments.

SECTION 9. All houses shall be sold by said association to be paid for, except as provided in the preceding section, in equal monthly instalments, for a term not exceeding five years. Any person who shall receive the privilege of buying a house and lot from said association, upon paying the first instalment due upon said house and lot, shall have the right to occupy the same without payment of rent or interest so long as he shall continue to pay the instalments when due. If any such person fail to pay any instalment when due, he shall immediately vacate the house and lot and surrender the same to said association; and when any house and lot shall be so surrendered, the association shall pay the person surrendering the same an equitable compensation for what he has invested upon said house and lot. In case of any dispute as to the amount of such compensation, said house and lot shall be sold at auction, and after deducting the unpaid instalments due, expenses of sale, and any other expenses which said association has necessarily incurred on account of said house and lot, the balance, if any, shall be paid to the person surrendering the said house and lot.

Surrender of house, upon failure to pay instalment.

In case of dispute, house to be sold at auction.

Returns to be made to the board of state charities.

SECTION 10. Said corporation shall make a return annually to the board of state charities of the amount of capital belonging to it, of the amount invested in lands and buildings, and of all expenses incurred in the management thereof, and of all receipts from payments of instalments and from other sources.

SECTION 11. This act shall take effect upon its passage.

Approved April 15, 1880.

Chap. 196 AN ACT CONCERNING CHARITABLE AND OTHER BENEFICIARY ASSOCIATIONS.

Be it enacted, &c., as follows :

Beneficiary associations to make returns to

SECTION 1. All corporations, associations or societies within this Commonwealth which issue any certificate to

or make any promise or agreement with their members whereby any sum of money or other benefit is to become due or payable contingent upon the decease of a member, shall make to the insurance commissioner, annually or oftener, such statements of their membership and financial transactions, with such other information relating thereto, as he may deem necessary to a proper exhibit of their business and standing.

the insurance commissioner.

SECTION 2. The insurance commissioner shall have authority to verify, if deemed necessary, the statements required as aforesaid, by examination of the books and papers appertaining to the membership and financial transactions connected therewith; and whoever having charge or custody of such business, books or papers, shall neglect or refuse to comply with the provisions of this act shall be subject to a fine not exceeding one hundred dollars.

Insurance commissioner may examine books and papers.

SECTION 3. Any beneficiary corporation, association or society organized under the laws of this Commonwealth shall have the right to hold at any one time, as a death fund belonging to the beneficiaries of anticipated deceased members, an amount not exceeding one assessment from a general or unlimited membership, or an amount not exceeding in the aggregate one assessment from each limited class or division of such society or association: *provided*, that nothing in this section shall be held to restrict such death fund to less than ten thousand dollars; and *provided, further*, that such death fund while held in trust shall be at all times invested in bonds of the United States, or deposited in safe banking institutions subject to sight drafts for distribution to the beneficiaries aforesaid.

Death fund.

Provisos.

SECTION 4. Nothing herein contained shall make the general laws relating to life insurance companies applicable to such corporations, associations and societies referred to in this act.

Laws relating to life insurance not to apply.

SECTION 5. This act shall take effect upon its passage.

Approved April 15, 1880.

AN ACT RELATIVE TO BETTER MEANS OF EGRESS FROM MANUFACTURING ESTABLISHMENTS.

Chap. 197

Be it enacted, &c., as follows:

SECTION 1. Every room in manufacturing establishments or workshops in which five or more operatives are employed above the second story, shall be provided with more than one way of egress by stairways on the inside or outside of the building; and such stairways shall be lo-

Means of egress from manufacturing establishments and workshops.

Proviso.

Inspector may accept such provision for escape from fire as may seem ample.

cated as near as may be practicable at opposite ends of the room. In the case of a stairway on the outside of the building, such stairway shall have suitable railed landings at each story above the first, and shall connect with each story of the building by doors, or by windows opening outward; and said doors, windows and landings shall be kept at all times clear of obstructions: *provided, however*, that no manufacturing establishment or workshop which shall have been already provided with proper fire escapes, in accordance with the provisions of chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy-seven, shall be required to conform to the provisions of this act, unless since such fire escapes were constructed there shall have been such changes in the building, or in the employes therein, as to make it in the opinion of the inspector necessary for the protection of human life; and *provided, further*, that the inspector may accept of such other provision for escape in case of fire as may seem to him to be ample for the purpose; but nothing in this last provision shall be so construed as to permit the inspector to allow of the employment of women or children in any room above the second story from which there is only one way of egress.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1880.

Chap. 198

AN ACT RELATIVE TO PAYMENTS FROM COUNTY TREASURIES.

Be it enacted, &c., as follows:

No payment to be made from county treasury without a voucher.

SECTION 1. No payment shall be made out of the treasury in any county unless the bills and accounts rendered are accompanied by the vouchers now required by law and unless all the vouchers confirm and sustain said bill or account.

Treasurer may require a written statement of the law under which payment is authorized.

SECTION 2. The county treasurer may require in writing of any county officer rendering an account against the county for payment a written statement showing the chapter and section of the statute authorizing said payment or of any part thereof, and if said requirement is made, payment of the same shall be withheld by the treasurer until it is complied with, and said statement when received shall be filed with the other vouchers; and the county treasurers shall be personally liable for any sum of money paid by them to any such officer without authority of law.

Indorsement of licenses by treasurer and clerk.

SECTION 3. All licenses issued, indorsed or countersigned by the treasurer of any county shall be indorsed or countersigned and recorded by the clerk of courts for said

county; and all receipts for money paid to the treasurer of any county shall be in duplicate; one copy shall be given to the party making payment and one to the county clerk.

SECTION 4. The county treasurer shall pay money or transmit a bank check to every person whose claim against the county has been passed upon and allowed, said check being payable to the order of said person when there is no dispute or reasonable doubt as to the party receiving the amount in full satisfaction of the claim passed upon, and said check, when legally paid and returned, shall be a sufficient receipt for the payment by the county treasurer, said payment shall be made within ten days after the claim shall have been allowed.

Receipts to be in duplicate. Payments to be made in money or by check, and within ten days of allowance of claim.

SECTION 5. This act shall not apply to the county of Suffolk.

Not to apply to Suffolk County.

SECTION 6. This act shall take effect on the first day of May, eighteen hundred and eighty.

To take effect May 1, 1880.

Approved April 17, 1880.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT, ENTITLED "AN ACT TO PREVENT DECEPTION IN SALES OF BUTTER."

Chap. 199

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter one hundred and six of the acts of the year eighteen hundred and seventy-eight is hereby amended by inserting in the eleventh line thereof before the word "letters," the words "plain Roman."

Sales of butter. 1878, 106, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1880.

AN ACT TO AUTHORIZE THE SELECTMEN OF TOWNS AND THE BOARDS OF MAYOR AND ALDERMEN OF CITIES IN THE COMMONWEALTH TO CONTROL CERTAIN FISHERIES WITHIN SAID TOWNS AND CITIES.

Chap. 200

Be it enacted, &c., as follows:

SECTION 1. The selectmen of all towns and the board of mayor and aldermen of cities within the Commonwealth shall have full power when so instructed by said towns and cities to control and regulate the taking of eels, clams, quahaugs and scallops within their respective towns and cities, including ponds which are now or may hereafter be leased by the fish commissioners under chapter three hundred and eighty-four of the acts of the year eighteen hun-

May regulate the taking of eels and shell fish.

May grant permits to take fish.

Inhabitants may take fish for family use.

Penalties.

Repeal.

dred and sixty-nine; and may grant permits prescribing the times and methods of taking eels and the shell fish above named within their said towns and cities, and may make such other regulations in regard to said fisheries as they may deem wise and expedient. But the inhabitants of any city or town, without such permit, may take from the waters of their own or other cities and towns, eels and the shell fish above named for their own family use; and from the waters of their own towns they may take any of the shell fish above named for bait, not exceeding three bushels, including shells, in any one day, but subject nevertheless to the general rules prescribed by the selectmen of towns and the boards of mayor and aldermen in cities as to the times and methods of taking said fish.

SECTION 2. Whoever takes any eels or any of the shell fish mentioned in the preceding section without such permit, and in violation of this act, shall on conviction pay a fine of not less than three nor more than fifty dollars and costs of prosecution; said fine and forfeiture imposed under this act to be recovered by indictment or complaint before any trial justice or any court of competent jurisdiction within either of said counties.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1880.

Chap. 201 AN ACT TO AUTHORIZE THE TOWN OF SOUTH ABINGTON TO ESTABLISH A PUBLIC PARK.

Be it enacted, &c., as follows:

Town may accept gift of land offered by Augustus Whitman for a public park.

Boundaries.

SECTION 1. The town of South Abington may at any time within one year from the passage of this act accept the gift and take possession, for the purpose of a public park, of the lot of land situated in said South Abington as offered to the inhabitants of said town by Augustus Whitman; which said lot is bounded and described as follows, to wit:—Beginning at a stone monument at the north-west corner of the lot on the south side of Essex Street and three hundred and sixty feet easterly from the corner of Essex Street and Washington Street, thence running southerly in a straight line to the north-east corner of land of William R. Vining about three hundred and sixty-eight feet, thence southerly by lands of said Vining and Loring Holbrook about one hundred and forty feet, thence easterly by lands of Miller Cook, junior, Bela Alden and heirs of Samuel N. Dyer, deceased, about five hundred and

forty-three feet, thence northerly by land of said heirs about one hundred and four feet, thence easterly by land of the said heirs about five hundred and fifty-three feet, thence northerly by land of Lyman R. Blake about four hundred and thirty-four feet to Arlington Street, thence westerly by said street three hundred and thirty-nine feet to Essex Street, thence westerly by Essex Street about eight hundred and fifty feet to the point of beginning.

SECTION 2. Said town shall within one year from the time it receives a deed of said land file in the office of the registry of deeds for the county of Plymouth a description of the land so taken and a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the chairman of the committee on parks appointed by said town, and the title of all lands so taken shall vest in the town of South Abington.

To file in the registry of deeds a description of the land so taken.

SECTION 3. Said town may raise, appropriate and expend such sums of money as may be deemed best for the improvement of said park, subject to the laws limiting municipal indebtedness.

May raise money for improvement of park.

SECTION 4. All the votes passed by said town at its last annual town meeting in relation to said park are hereby confirmed.

Votes of town confirmed.

SECTION 5. Said town shall forever keep open and maintain as a public park all lands taken under this act.

To be kept a public park forever.

SECTION 6. This act shall take effect upon its passage.

Approved April 17, 1880.

AN ACT TO INCORPORATE THE TRUSTEES OF THE THOMAS CRANE
PUBLIC LIBRARY OF THE TOWN OF QUINCY.

Chap. 202

Be it enacted, &c., as follows:

SECTION 1. The trustees of the public library of the town of Quincy for the time being are hereby made a corporation by the name of the trustees of the Thomas Crane Public Library of the town of Quincy, and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

Trustees of the Thomas Crane Public Library, incorporated.

SECTION 2. Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one hundred thousand dollars, which may be given, granted, conveyed, bequeathed or devised to it and accepted by the trustees for the benefit of the public

Powers and duties.

Real and personal estate not to exceed \$100,000.

Proviso. library of said town of Quincy or for any purpose connected therewith: *provided*, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest under the direction of said corporation.

Trustees to be six in number.

Two trustees to be elected.

SECTION 3. The trustees of said Thomas Crane Public Library shall be six in number. The present trustees shall continue in office for the terms for which they were elected trustees of the public library by the inhabitants of said town. At the next annual town meeting the said inhabitants shall elect by ballot two trustees of said Thomas Crane Public Library who shall hold office for the term of three years and until their successors are chosen; and thereafter annually there shall be elected in the same manner two trustees for a like period of three years. Whenever a vacancy shall occur in said board of trustees by death, resignation or otherwise, the remaining trustees shall fill such vacancy by the election of a new member, and the trustee so chosen shall act until the next annual town meeting when his successor shall be elected for the unexpired term by the said inhabitants by ballot.

**By-laws for choice of officers, etc.
Rules and penalties.**

Proviso.

SECTION 4. The members of said board shall organize and provide by means of by-laws for the choice of officers, and shall have power to make such rules and regulations relating to such public library and to fix and enforce penalties for the violations of such rules and regulations as they may deem expedient: *provided*, that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions and amendments as the inhabitants of said town may direct.

Trustees to have control of library.

Town may make appropriations.

Librarian and assistants.

Duties of board may be regulated by ordinance.

SECTION 5. The said trustees shall have the general care and control of the public library and the grounds upon which the same is now or may hereafter be located in said Quincy together with the buildings and rooms containing the same, and also of the expenditures of the moneys appropriated therefor by said town; and said town is hereby authorized to make such appropriations to the same extent that cities and towns are authorized by law to make appropriations for like purposes. Said trustees may appoint a librarian with such assistants as they may think expedient and may remove the same, and fix their compensation: *provided*, that the total expenditures shall not exceed the amounts appropriated by the said town and other moneys which they may be authorized to expend.

SECTION 6. The inhabitants of said town shall have power to pass such ordinances not inconsistent herewith

or repugnant to the other laws of the Commonwealth as to the duties and authority of said board as they may from time to time deem expedient.

SECTION 7. This act shall take effect upon its passage.

Approved April 17, 1880.

AN ACT TO SUPPLY THE CITY OF GLOUCESTER WITH PURE WATER.

Chap. 203

Be it enacted, &c., as follows:

SECTION 1. The city of Gloucester is hereby authorized to take, hold and convey into and through said city or any part thereof, the waters of any springs, natural ponds, brooks or other water sources within its own limits, for the use of said city and the inhabitants thereof, for the extinguishment of fires, creating steam, domestic and other purposes; and may also take and hold, by purchase or otherwise, lands or estates for the construction of such works as may be necessary therefor; and for laying and maintaining aqueducts or pipes, constructing and maintaining reservoirs or canals, and such other works as may be deemed necessary or proper for conveying, raising, forcing, retaining, distributing or disposing of said water.

Water supply
for city of
Gloucester.

SECTION 2. The mayor of said city of Gloucester shall, within sixty days after taking any of the land aforesaid, file in the registry of deeds for the county of Essex, southern district, a description thereof sufficiently accurate for identification.

Description of
the land taken,
to be filed in
the registry of
deeds.

SECTION 3. Said city for the purposes aforesaid may build aqueducts and maintain the same by any works suitable therefor; may provide and maintain suitable machinery for raising the water above the source of supply; may erect such structures as are necessary for preserving the works; may make and maintain suitable dams and reservoirs, and establish such public fountains and hydrants as are at any time deemed proper, and may change or discontinue the same; may distribute the water throughout said city, regulate its use and establish the rates to be paid therefor. Said city may also for the purposes aforesaid carry its pipes and other works over or under any water course, street, railroad or highway, in such manner as not to obstruct the same; and may do any other acts and things necessary and proper in executing the purposes of this act.

May build
aqueducts, dams
and reservoirs.

May establish
water rates.

SECTION 4. Said city shall be liable to pay all damages sustained by any person or corporation by taking any land, water, water rights, or property, or by the con-

Liability for
damages.

structing of any aqueduct, reservoir, or other works for the purposes aforesaid; and if any person or corporation sustaining damages as aforesaid cannot agree with the city upon the amount of said damages, he or it may have them assessed in the same manner as is provided by law with respect to land taken for highways.

"City of
Gloucester
Water Loan"
not to exceed
\$300,000.

SECTION 5. For the purpose of defraying the expenses which may be incurred by the city of Gloucester in carrying into effect the powers granted by this act, the city council shall have authority to issue from time to time notes, scrip, bonds or certificates of debt, to be denominated on the face thereof "City of Gloucester Water Loan," to an amount not exceeding three hundred thousand dollars; the same to bear interest not exceeding the rate of six per cent. per annum, and the principal to be payable at periods not more than thirty years from the issuing of said notes, scrip, bonds or certificates of debt respectively; and the city council may sell the same or any part thereof, from time to time, at public auction or private sale, or pledge the same for money borrowed for the purposes of this act, on such terms and conditions as the city council shall judge proper. The net surplus income and receipts shall be set apart as a sinking fund and applied solely to the payment of the principal of said loan. The mayor, city treasurer and president of the common council for the time being, shall be trustees of said fund, and shall whenever required by the city council render an account of all their doings in relation thereto. And the city council of said city is hereby authorized, from time to time, to appropriate, grant and assess such sum or sums of money as shall be deemed expedient toward paying the principal of the money so borrowed or obtained, and the interest thereof, in the same manner as money is appropriated, granted and assessed for other city purposes.

Sinking fund.

Rights to be
exercised as
city council
may direct.

SECTION 6. The rights, powers and privileges hereby granted may be exercised by such officers, agents and servants as said city may select or employ, who shall be subject to such ordinances, rules and regulations as the city council may establish, and the mayor shall be eligible to such office.

Penalty for
diverting water
or rendering it
impure.

SECTION 7. If any person shall use any of the said water without the consent of said city, or shall wantonly or maliciously divert the water or any part thereof, of the ponds, springs, streams or sources of water taken or held by said city, pursuant to the provisions of this act, or cor-

rupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 8. This act shall take effect upon its passage, and shall become void unless accepted by two-thirds of the legal voters of the city of Gloucester, present and voting thereon, at a legal meeting which shall be called in their several ward rooms for that purpose by the mayor and aldermen of said city, within six months from the passage of this act, at which meeting the check list shall be used.

Subject to acceptance by a two-thirds vote of the legal voters.

Approved April 17, 1880.

AN ACT TO ANNEX A PART OF THE TOWN OF BELMONT TO THE CITY OF CAMBRIDGE. *Chap. 204*

Be it enacted, &c., as follows:

SECTION 1. All that part of the town of Belmont contained within the line described as follows: — beginning at a point where the dividing line between Cambridge and Belmont intersects the dividing line between Belmont and Watertown; thence running in a north-westerly direction on said dividing line between Belmont and Watertown one thousand nine hundred and ninety-five feet; thence turning and running in a northerly direction about four thousand three hundred and fifty feet to the north-westerly side of Washington Street at a point five hundred and ninety feet easterly of the easterly line of Grove Street, produced, as measured on said line of Washington Street; thence turning and running northerly on the westerly side of Washington Street to Concord Avenue; thence running in the same northerly direction on the westerly side of Brighton Street to the northerly side of Wellington Brook; thence turning and running in a north-easterly direction in a straight line to the point where the said line of Wellington Brook strikes the location of the Fitchburg Railroad Company on the westerly side of the culvert; thence turning and running a little more northerly about two thousand two hundred and sixty feet to a point in the dividing line between Belmont and Arlington, which is two thousand seven hundred and thirty feet as measured

Part of town of Belmont annexed to the city of Cambridge.

on said last dividing line from the town bound at the junction of Alewife Brook and Little River; thence turning and running south-easterly on said last dividing line to the town bound last above mentioned; thence turning and running in a general westerly and southerly direction on the present dividing line between Cambridge and Belmont to the point of beginning,—excepting and excluding however such portion of the above described territory as is included within the present fences of the town cemetery,—with all the inhabitants and estates therein, is hereby set off from the town of Belmont and annexed to the city of Cambridge, and until a new division of wards in said city shall be and constitute a part of the first ward thereof.

Taxes to be assessed and collected as though act had not been passed.

SECTION 2. The inhabitants and estates within the territory hereby set off and the owners of such estates shall be holden to pay all taxes assessed and in arrears to the same persons, and such taxes may be collected in the same manner as if this act had not been passed; and until the next state valuation the city of Cambridge shall annually in the month of November pay to the town of Belmont three-twentieths of all state and county taxes that shall be assessed upon Belmont.

Settlement of paupers.

SECTION 3. All paupers who have gained a settlement in the said town of Belmont by a settlement gained or derived within said territory shall be relieved or supported by the city of Cambridge in the same manner as if they had a legal settlement in Cambridge.

Election of county, state and national officers.

SECTION 4. The inhabitants of the territory hereby set off shall continue to be a part of Belmont for the purpose of electing state and county officers, members of the executive council, senators and representatives to the general court, electors of president and vice-president of the United States, and representative to congress, until the next decennial census or until another apportionment is made; and the mayor and aldermen of Cambridge shall make a true list of the persons residing in said district qualified to vote in such elections, post up the same in said territory, correct the same as required by law, and deliver the same to the selectmen of the town of Belmont seven days at least before any such election; and the same shall be used by the selectmen of Belmont for such elections in the same manner as if it had been prepared by the said selectmen.

Highways.

SECTION 5. The power to alter, straighten, widen, repair and grade all county and town ways existing in the territory hereby annexed, shall be vested in the city council of Cambridge.

SECTION 6. The town of Belmont shall have the right to connect any of its public sewers with any sewer constructed by the city of Cambridge within the territory hereby annexed, upon first paying to said city a just compensation therefor, to be determined, after due notice and hearing, by the county commissioners of the county of Middlesex: *provided*, that any such connection shall be made under the direction of said city, and the use of any sewer thus connected shall be subject to such reasonable rules and regulations, except as to assessments, as may be made by the city council of said city.

Public sewers.

Proviso.

SECTION 7. The city of Cambridge shall pay to the town of Belmont the fair market value of the town schoolhouse, with the land connected therewith as a school yard, situated within the territory hereby annexed, and said city shall also take the town schoolhouse building nearest to said territory. If the said city and town cannot agree upon the sum to be paid therefor, the damages shall be determined and paid in the manner provided by law in the case of land taken for highways.

City of Cambridge to pay Belmont for schoolhouse.

SECTION 8. This act shall take effect upon its passage.

Approved April 19, 1880.

AN ACT IN RELATION TO THE LEASING OF RAILROADS.

Chap. 205

Be it enacted, &c., as follows:

SECTION 1. The roads of two railroads shall be deemed to enter upon each other, connect or intersect within the meaning of section one hundred and seventy of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, if one of such roads enters upon, connects with, or intersects a road leased to the other railroad, or operated by it under a contract as authorized by said section. But the Eastern Railroad Company and the Boston and Maine Railroad may make with each other such contract or lease for the operation of their roads for such period of time as the directors of said companies may agree to, and as shall be approved by a majority in interest of the stockholders of each company at meetings called for that purpose: *provided*, that the facilities for travel and business on either of the roads of the said companies shall not be diminished; and *provided*, further, that the income arising from such contract or lease shall be subject to the provisions of law in regard to the right of the state to purchase the said roads, or reduce their tolls in the same manner as that arising from the use of the roads.

Roads to be deemed connecting, etc., when one road connects, etc., with a road leased to the other.

Eastern and Boston and Maine, may make such contract, etc., with each other for the operation of their roads as may be agreed upon.

Facilities for travel and business not to be diminished.

Lease or contract not to exceed ninety-nine years.

SECTION 2. No railroad corporation shall lease or contract for the operation of its road for a period of more than ninety-nine years without the consent of the legislature: *provided*, that this act shall not apply to any corporation whose stockholders have already acted or voted upon a lease.

SECTION 3. This act shall take effect on the first day of July next.

Approved April 21, 1880.

Chap. 206 AN ACT TO DISSOLVE THE ASHBURNHAM SAVINGS BANK AND THE JAMAICA PLAIN SAVINGS BANK.

Be it enacted, &c., as follows:

Charters dissolved.

SECTION 1. The Ashburnham Savings Bank, chartered by chapter two hundred and forty-six of the acts of the year eighteen hundred and seventy-one, and the Jamaica Plain Savings Bank, chartered by chapter one hundred and forty-seven of the acts of the year eighteen hundred and seventy-two, are hereby dissolved, subject to the provisions of sections thirty-six and thirty-seven of chapter sixty-eight of the General Statutes.

Moneys remaining in banks two years to be deposited with state treasurer.

SECTION 2. Any unclaimed moneys or dividends remaining in said banks two years after the passage of this act shall be deposited with the treasurer and receiver-general of the Commonwealth, with a schedule of the names and residences, so far as known, of the parties entitled thereto; and said treasurer shall receive and hold the same in trust for such parties and their representatives; and said treasurer shall pay over the same to the parties entitled thereto, upon proper demand made therefor, upon being furnished with evidence satisfactory to him of the identity of the claimant and the justice of the claim.

Treasurer to pay over moneys to parties entitled.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 207 AN ACT TO ENABLE THE TOWN OF NORTHAMPTON TO APPROPRIATE CERTAIN WATER COURSES FOR THE PURPOSES OF SEWERAGE.

Be it enacted, &c., as follows:

Selectmen may use King Street and Market Street Brooks for purposes of sewerage.

SECTION 1. The selectmen of the town of Northampton may use and appropriate, for the purposes of sewerage and drainage, the whole or any parts of the water courses within said town known as King Street Brook and Market Street Brook and their tributaries, and the extension of said brooks to their union with Mill River near the point

where Pleasant Street crosses the Connecticut River Railroad; and said selectmen may alter, change, widen, straighten and deepen the channels of said brooks, and may remove obstructions therefrom, and may cover said brooks, and pave and enclose them in retaining walls, and may divert the waters of said brooks into new courses, or divert the same into town sewers and main drains which may be built; but the authority aforesaid shall only be had and exercised in accordance with such a system of sewerage as the town may adopt under the provisions of chapter two hundred and thirty-two of the acts of the year eighteen hundred and seventy-eight.

May widen and deepen channels.

SECTION 2. If in any system of sewerage which said town of Northampton may adopt under the provisions of chapter two hundred and thirty-two of the acts of the year eighteen hundred and seventy-eight, any brooks, water rights or interests in real estate belonging to any person are to be used and appropriated, the report and record of the system so adopted shall set forth substantially the nature and extent of the water rights and interests in real estate so to be taken and appropriated under said system of sewerage.

Report and record of system adopted under 1878, 232, to set forth the rights, etc., to be taken.

SECTION 3. When any water rights, lands or interest in lands are included in the general plan of sewerage which may be adopted by said town, the proceedings as to the taking and appropriating, and as to the damages incurred, shall be the same in all respects as is provided by chapter one hundred and eleven of the acts of the year eighteen hundred and sixty-nine.

Proceedings in taking land, and as to damages, shall be as provided in 1860, 111.

Approved April 22, 1880.

AN ACT TO DEFINE THE DUTIES OF THE BOARD OF TRUSTEES OF
THE STATE PRIMARY AND REFORM SCHOOLS.

Chap. 208

Be it enacted, &c., as follows:

SECTION 1. The trustees of the state primary and reform schools shall have full power to place in charge of suitable persons any of the children of the state primary school, the power of visitation and final discharge remaining with the state board of health, lunacy and charity as now fixed by law. And said trustees may provide for the maintenance of any child so placed, in whole or in part, at a cost to the state not exceeding two dollars per week. The expense of such maintenance shall be paid from the annual appropriation for the current expense of said school.

Trustees of state primary and reform schools may place children in charge of suitable persons.

Expense of maintenance.

May transfer inmates from industrial and reform schools to the primary school.

SECTION 2. The said trustees shall also have full power to transfer inmates from the state industrial school and from the state reform school to the state primary school. When said transfers are made the mittimus upon which the person was committed shall accompany the person so transferred; and such person shall be held upon said mittimus until the term of sentence shall have expired, unless sooner discharged or remanded.

Transfer from industrial school to reformatory prison.

SECTION 3. On application of the trustees of the state primary and reform schools, the commissioners of prisons may cause any girl in the state industrial school who was committed for any crime or misdemeanor to be transferred, with the mittimus upon which she was committed, to the reformatory prison for women, there to be held upon said mittimus until the term of sentence shall have expired, unless sooner discharged. The said commissioners may, upon application of the said trustees, cause the said girl, so transferred, to be returned to the state industrial school, there to be held as if no such transfer had been made.

Office of treasurer abolished.

SECTION 4. The existing offices of treasurer of the state reform and state industrial schools are hereby abolished.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 209

AN ACT TO REGULATE THE INSPECTION AND SALE OF MILK.

Be it enacted, &c., as follows:

Licenses to be issued to sell milk, in places where inspectors have been appointed.

SECTION 1. In all cities and in all towns in which an inspector or inspectors of milk have been or shall be appointed, all persons who convey milk in carriages or otherwise for the purpose of selling the same in such city or town, shall annually on the first day of May, or within thirty days thereafter, be licensed by the inspector or inspectors of milk of such city or town to sell milk within the limits of the city or town in which said milk is offered for sale; and shall pay to such inspector or inspectors fifty cents each for the use of the city or town. The inspector or inspectors shall pay over monthly all sums collected by him or them to the treasurer of such city or town. Licenses shall be issued only in the names of the owners of carriages or other vehicles; and said licenses shall for the purposes of this act be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages or other vehicles used, the name and residence of every driver or employé engaged in carry-

To be issued in name of owner of carriage.

ing or selling said milk, if any, and the number of the license. The licensee shall report to the inspector or inspectors any change of driver or employé which may occur during the term of his license. Each licensee before engaging in the sale of milk shall cause his name, number and place of business to be legibly placed on each outer side of all carriages or vehicles used by him in the conveyance and sale of milk. Whoever shall sell or expose for sale from carriages or other vehicles, or have in his custody or possession with intent so to sell, milk without being first licensed under the provisions of this section, or shall violate any other of its provisions, shall for the first offence be punished by a fine of not less than thirty nor more than one hundred dollars; and for a second offence by a fine of not less than fifty nor more than three hundred dollars; and for any subsequent offence by a fine of fifty dollars and imprisonment in the house of correction not less than thirty nor more than sixty days.

Change of driver to be reported.

Penalties for selling without license.

SECTION 2. All persons before selling or offering for sale milk in stores, booths, stands or market places in any city or in any town in which an inspector or inspectors of milk have been or shall be appointed, shall register in the books of such inspector or inspectors, and shall pay him or them fifty cents for the use of such city or town; and whoever neglects so to register shall be punished for each offence by a fine not exceeding twenty dollars.

Sellers to register in books of inspector before offering for sale in stores, etc.

SECTION 3. Whoever by himself, his servant or agent, or as the employé of any other person sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or any substance deleterious to the quality of the milk, or milk produced from cows fed on the refuse of distilleries, or from sick or diseased cows, shall for the first offence be punished by a fine of not less than fifty nor more than two hundred dollars; and for a second offence by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the house of correction not less than thirty nor more than sixty days; and for any subsequent offence by a fine of fifty dollars and imprisonment in the house of correction not less than sixty nor more than ninety days.

Penalties for selling adulterated milk.

SECTION 4. Whoever by himself, his servant or agent, or as employé of any other person sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale as pure milk,

Penalties for selling milk as pure, from which the cream has been removed.

any milk from which the cream or any part thereof has been removed, shall be punished by the penalties provided in the preceding section.

Skimmed milk.

SECTION 5. Every dealer who shall sell, exchange or deliver, or shall have in his custody or possession with intent to sell or exchange, or deliver for himself or as the employé of any other person or persons, milk from which the cream or any part thereof has been removed, shall distinctly mark in letters not less than one inch in length, in a conspicuous place above the centre upon the outside of every vessel, can or package containing such milk, the words, "SKIMMED MILK;" and such milk shall only be sold in or retailed out of a can, vessel or package so marked. Whoever violates the provisions of this section shall be punished by the penalties provided in section three.

Penalty on inspector or his agent.

SECTION 6. Any inspector of milk or his servant or agent who shall wilfully connive at or assist in any violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment not less than thirty nor more than sixty days.

Adulterated milk.

Analysis.

SECTION 7. In all prosecutions under this act, if the milk shall be shown upon analysis to contain more than eighty-seven per centum of watery fluid, or to contain less than thirteen per centum of milk solids, it shall be deemed for the purposes of this act to be adulterated.

Prosecutions.

SECTION 8. Violations of this act may be prosecuted by complaint or indictment before any court of competent jurisdiction.

Names of persons convicted, to be published.

SECTION 9. Each inspector shall cause the name and place of business of all persons convicted of selling or having in possession with intent to sell adulterated milk, to be published in two newspapers in the county in which the offence was committed.

Act to be published in newspaper.

SECTION 10. Each inspector shall cause this act to be published once in a newspaper printed in the county in which he resides.

Repeal.

SECTION 11. All acts and parts of acts inconsistent herewith are hereby repealed; but such repeal shall not affect any prosecution now pending.

SECTION 12. This act shall take effect upon its passage.

Approved April 22, 1880.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR *Chap. 210*
CERTAIN EDUCATIONAL EXPENSES.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, one thousand eight hundred and eighty, the same to be in addition to the appropriations heretofore made, to wit:—

Appropriations.

For the support of normal schools, a sum not exceeding forty-two thousand five hundred dollars, to be paid out of the moiety of the school fund applicable to educational purposes.

Normal schools.

For the support of the state normal art school, the same to include rent, taxes, etc., a sum not exceeding twelve thousand nine hundred and twenty-five dollars, to be paid from the unappropriated balance of the moiety of the school fund applicable to educational purposes, and the excess, if any, from the treasury.

Normal art school.

For teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the school fund applicable to educational purposes.

Teachers' institutes.

For county teachers' associations, a sum not exceeding three hundred dollars, to be paid out of the moiety of the school fund applicable to educational purposes.

County teachers' associations.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual payments, to be expended under the direction of the board of education.

Pupils in normal schools.

For travelling and other necessary expenses of the members of the board of education, a sum not exceeding four hundred dollars.

Board of education, travelling expenses.

For incidental expenses of the board of education, and for the secretary thereof, a sum not exceeding nine hundred dollars.

Incidental expenses.

For the salaries and expenses of the agents of the board of education, a sum not exceeding three thousand nine hundred dollars.

Agents of board.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 211 AN ACT RELATIVE TO THE DESCENT OF REAL ESTATE OF HUSBAND AND WIFE DYING INTESTATE AND WITHOUT ISSUE.

Be it enacted, &c., as follows:

Descent of real estate of husband and wife, dying intestate and without issue.

SECTION 1. Whenever any person shall die intestate, without leaving issue living, and shall leave a husband or wife surviving, such husband or wife shall take in fee the real estate of such deceased to an amount not exceeding five thousand dollars in value.

Estate to be assigned and set out by metes and bounds.

SECTION 2. The probate court having jurisdiction of the estate of said deceased on petition of any person in interest shall cause the real estate which the husband or wife takes under the preceding section to be assigned and set out by metes and bounds in the same manner as partitions of land may be made by probate courts: *provided, however*, that when such assignment cannot be made without greatly injuring the residue of the estate or of some specific part thereof, an undivided portion of such real estate or of some part thereof may be set off instead of a specific part.

Proviso.

Estate of curtesy, dower, etc., of remaining real estate.

SECTION 3. Nothing herein contained shall affect the estate of curtesy, dower or homestead in any remaining real estate of such deceased.

Repeal.

SECTION 4. All acts and part of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 212 AN ACT TO FIX THE COMPENSATION OF THE MESSENGERS, DOOR-KEEPERS, ASSISTANT DOORKEEPERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be it enacted, &c., as follows:

Compensation of messengers of senate and house.

SECTION 1. The compensation of the messengers of the senate and house of representatives shall be the same as that which may be fixed by law, from time to time, for the compensation of the members of the legislature for the regular annual session; and the doorkeepers, assistant doorkeepers and postmaster shall receive the same compensation as the messengers, and one hundred dollars each in addition for the regular annual session.

Pages.

SECTION 2. The compensation of the pages of the senate and house of representatives shall be three-fifths of the amount allowed the messengers for the regular annual session.

Compensation for employment before or after

SECTION 3. If any of the officials named in this act shall be employed by the sergeant-at-arms before or after

the regular annual session, they shall receive for such service a sum per diem in proportion to the amount received for each day of the regular annual session.

SECTION 4. This act shall apply to the current annual session; and the provisions of section two of chapter three hundred and twenty-eight of the acts of the year eighteen hundred and seventy-two shall apply to said officials as well as to members of the senate and house.

Approved April 22, 1880.

AN ACT TO AUTHORIZE THE TOWN OF NORTHAMPTON TO RENEW A PORTION OF ITS WATER BONDS. *Chap. 213*

Be it enacted, &c., as follows :

SECTION 1. The town of Northampton is hereby authorized to execute and issue new bonds, signed by its treasurer and countersigned by its selectmen, to be denominated Northampton Water Bonds, or promissory notes of the town in lieu of such bonds, to an amount not exceeding fifty thousand dollars, for the purpose of redeeming the fifty thousand dollars of its original water bonds falling due in eighteen hundred and eighty-one; and such bonds or notes shall be payable at periods not exceeding eighteen years from the date thereof, with interest semi-annually at a rate not exceeding five per cent. per annum. And said town may sell or negotiate said bonds or notes at public or private sale upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds or notes and interest thereon when due; but said town shall not raise by taxation more than ten thousand dollars in any one year to pay the principal of said bonds or notes, except the year in which the same may become due.

SECTION 2. Nothing in this act contained shall be construed to relieve the town of Northampton from the obligations imposed by chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, entitled "An Act to regulate and limit municipal indebtedness," and the acts in addition thereto and in amendment thereof.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1880.

the regular session.

To apply to current annual session. 1872, 328, § 2.

May renew a portion of water bonds.

May sell bonds at public or private sale.

Not to be relieved from obligations imposed by 1875, 209.

Chap. 214 AN ACT TO AMEND "AN ACT AUTHORIZING THE VERMONT AND MASSACHUSETTS RAILROAD COMPANY TO SELL THAT PART OF ITS RAILROAD KNOWN AS THE BRATTLEBOROUGH BRANCH."

Be it enacted, &c., as follows:

Amendment to
1878, 210, § 1.

SECTION 1. Section one of chapter two hundred and ten of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the word "Erving," and inserting in place thereof the word "Montague."

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 215 AN ACT TO CONFIRM CERTAIN ACTS OF THE TOWN OF DUDLEY.

Be it enacted, &c., as follows:

Action of the
town confirmed.

SECTION 1. The action of the town of Dudley at a meeting thereof held at the town hall in said Dudley on Monday the fifth day of April in the year eighteen hundred and eighty, in voting "To appropriate the sum of five hundred dollars for the removal of the brick building known as Academy Hall into line with the boarding-house of said Academy and Washington Hall, as desired by Hezekiah Conant and others," is hereby authorized, ratified and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 216 AN ACT IN RELATION TO LIENS ON BUILDINGS AND LANDS.

Be it enacted, &c., as follows:

Liens on build-
ings and lands.
1871, 78.

SECTION 1. Chapter seventy-eight of the acts of the year eighteen hundred and seventy-one is hereby amended by adding thereto the following words:—"If it appears to the court or to the clerk thereof in vacation that any of the parties entitled to notice are absent, or that they cannot probably be found to be served with the notice, the court or the clerk thereof in vacation may, instead of the personal notice before mentioned or in addition thereto, order notice to all persons interested, by publishing in some newspaper the substance of the petition with the order of the court thereon assigning the time and place for a hearing, or may order such other notice to be given as may under all the circumstances of the case be considered most proper and effectual."

Notice to parties
interested.

Repeal of
G. S. 150, § 15.

SECTION 2. Section fifteen of chapter one hundred and fifty of the General Statutes is hereby repealed.

Approved April 22, 1880.

AN ACT TO PROVIDE FOR THE EQUITABLE DISTRIBUTION OF INSOLVENT ESTATES OF INSANE PERSONS. Chap. 217

Be it enacted, &c., as follows:

SECTION 1. Any of the creditors of an insolvent insane person, whose claims provable against the insolvent estate amount to the sum of one hundred dollars, may apply by petition to the judge of the court of insolvency for the county where the debtor resides, setting forth the insolvency of the person and the nature of their claims verified by oath, and praying that the estate may be seized and distributed according to the provisions of law relating to the settlement of estates of insolvent debtors. After notice to all persons interested, and the appointment of a guardian *ad litem* for such insane person, and a hearing, the judge may, if he thinks the interests of the debtor and creditors require it, issue his warrant to take possession of the estate of the debtor, and thereupon like proceedings shall be had as are provided by chapter one hundred and eighteen of the General Statutes and the acts in addition thereto and in amendment thereof for the settlement of estates of insolvent debtors of sound mind.

Insolvent
estates of in-
sane persons.

Guardian *ad
litem* may be
appointed.

SECTION 2. The schedules of creditors and of property required by said chapter shall be made and filed by the messenger upon his best information and belief. The debtor shall not be required to attend at any meeting of creditors nor be subject to examination except upon special order of the judge.

Messenger to
file schedules
upon his best
information.

SECTION 3. At any time within six months after recovering from his insanity the debtor may apply to the court for a discharge from his debts, and shall thereupon be required to deliver up to his assignee for the benefit of his creditors any property which was in his hands or possession or to which he was in any way entitled at the time of the filing of the petition, and which had not come into the hands or possession of his assignee, and shall make a full disclosure thereof and shall take and subscribe an oath that he has so done, and shall submit himself to examination thereon, and may within three months after his application file the assent in writing to his discharge of a majority in number and value of his creditors who have proved their claims as provided in section eighty-one of said chapter, and if it appears to the satisfaction of the judge, at a meeting of the creditors called for the purpose of acting upon said application, that he has made a full disclosure and delivery of his estate as herein required, and that he has in all things conformed to the directions

If debtor
becomes sane,
he may apply
for a discharge

and requirements of this act, and that his assets have paid fifty per centum of the claims proved against his estate, or that the assent in writing to his discharge of a majority in number and value of his creditors who have proved their claims has been filed in the case, the judge shall grant him a certificate of discharge which shall state all fiduciary debts specially exempt from discharge, and shall be in the form and have the effect prescribed by said chapter for like discharges to insolvent debtors of sound mind.

Provisions of
G. S. 118, to
apply, etc.

SECTION 4. All the provisions of said chapter, and of the acts in addition thereto and in amendment thereof, shall apply to proceedings under this act, except such as the insanity of the debtor may render inapplicable.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 218 AN ACT TO PROVIDE FOR THE RELEASE OF PRISONERS FOR GOOD CONDUCT.

Be it enacted, &c., as follows:

Record to be
kept of conduct
of prisoner.

Term of impris-
onment to be
shortened for
good conduct.

Prisoner to re-
ceive a written
permit.

SECTION 1. Every officer in charge of a prison, and the superintendent of the house of industry, shall keep a record of the conduct of each prisoner in his custody whose term of imprisonment is not less than four months. Every such prisoner whose record of conduct as aforesaid shall show that he has faithfully observed all the rules of the prison, or house of industry, and has not been subjected to punishment, shall be entitled to a deduction from the term of his imprisonment, to be estimated as follows: — upon a sentence of not less than four months and not more than one year, one day for each month; upon a sentence of not less than one year nor more than three years, three days for each month; upon a sentence of not less than three nor more than five years, four days for each month; upon a sentence of not less than five years nor more than ten years, five days for each month; upon a sentence of ten years or more, six days for each month. When a prisoner has two or more sentences the aggregate of his several sentences shall be the basis upon which the deduction shall be estimated. Each prisoner who is entitled to a deduction from the term of his imprisonment, as aforesaid, shall receive a written permit to be at liberty during the time thus deducted, upon such terms as the board granting the same shall fix. Said permits shall be issued as follows: To prisoners in the house of industry, or in the jail or house of correction of Suffolk County, by

the board of directors of public institutions; to prisoners in the other jails and houses of correction, by the county commissioners of the several counties; to prisoners in the state prison and in the reformatory prison for women, by the commissioners of prisons. The board issuing a permit as aforesaid may at any time revoke the same, and shall revoke it whenever it comes to their knowledge that the person to whom it was granted has been convicted of any offence punishable by imprisonment.

SECTION 2. Any court or trial justice having jurisdiction of criminal offences, when notified by the board issuing a permit that the same has been revoked, shall issue a warrant for the arrest of the person holding said permit, and shall remand him to the prison from which he was released, where he shall be detained according to the terms of his original sentence; and in computing the period of his confinement the time between his release upon said permit and his return to the prison shall not be taken to be any part of the term of the sentence: *provided, however*, that if the person for whose arrest said warrant is issued is confined in any prison, service of such warrant shall not be made until his release from said prison.

Warrant of arrest to be issued, if permit is revoked.

To be remanded to prison to serve out his original sentence.

SECTION 3. If a prisoner shall violate any of the rules of the prison in which he is confined, the board authorized by section one of this act to grant permits shall decide what portion of the time, which would otherwise be deducted from the term of his imprisonment, shall be forfeited by such violation.

Violation of prison rules.

SECTION 4. In computing the deduction from the terms of imprisonment of convicts now in confinement, they shall be allowed the deductions to which they shall become entitled under existing laws prior to the passage of this act, and thereafter said deductions shall be made in accordance with the terms of this act.

Computation of deductions.

SECTION 5. Section forty-seven of chapter one hundred and seventy-eight of the General Statutes, and sections fifty-one and fifty-two of chapter one hundred and seventy-nine of the General Statutes, are hereby repealed.

Repeal of G. S. 178, § 47. G. S. 179, §§ 51, 52.

Chap. 219 AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX RELATING TO THE DESCENT AND DISTRIBUTION OF REAL AND PERSONAL PROPERTY.

Be it enacted, &c., as follows:

Descent and distribution of real and personal property. 1876, 220, § 1.

Section one of chapter two hundred and twenty of the acts of the year eighteen hundred and seventy-six is hereby amended by adding to the fifth clause at the end thereof the following: —“and if there is no surviving brother nor sister of the intestate, then to all the issue of his or her deceased brothers and sisters. If all such issue are in the same degree of kindred to the intestate, they shall share the estate equally; otherwise they shall take according to the right of representation.” Also by inserting in the sixth clause thereof, after the word “sister,” the following: “nor issue of any deceased brother or sister.”

Approved April 22, 1880.

Chap. 220 AN ACT TO AUTHORIZE THE SALE OF PERSONAL PROPERTY, AND THE COLLECTION OF DEBTS BY FOREIGN EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

Be it enacted, &c., as follows:

Foreign executors, trustees, etc., may sell property and collect debts in this state.

Provisos.

Any executor, administrator, trustee or guardian, duly appointed in another state, or in any foreign country, and duly qualified and acting, who may be entitled to any personal property situated in this state, may, upon petition to the probate court of any county in this state, and after such notice to all persons interested as said court shall order, be licensed to sell, transfer and convey at public or private sale, and on such terms and to such person or persons as he shall think fit, or to receive and otherwise dispose of, any shares in any corporation which has an established or usual place of business in said county, or any personal estate in said county: *provided*, it shall appear to said court that there is no executor, administrator, trustee or guardian appointed in this state authorized to sell, transfer and convey, or receive such shares or estate; *and provided*, it shall appear to said court that such executor, administrator, trustee or guardian would be liable, upon and after such sale or receipt, to account for such shares or estate, or the proceeds thereof, in the state or country in which he was appointed, *and provided*, that no person resident in this state, interested as a creditor or otherwise, shall object to the granting of such license or shall appear to be prejudiced thereby, *and provided*, that no such

license shall be granted to any foreign executor or administrator until the expiration of six months from the death of his testator or intestate. *Approved April 22, 1880.*

AN ACT RELATIVE TO THE PUNISHMENT FOR DRUNKENNESS.

Chap. 221

Be it enacted, &c., as follows:

SECTION 1. Whoever is convicted of the offence of drunkenness by the voluntary use of intoxicating liquor shall, if it shall not be proved that he or she has been convicted of a like offence twice before within the next preceding twelve months, be punished by a fine not exceeding one dollar, without costs. In case of the non-payment of such fine, the person convicted of said offence may be committed to any jail or house of correction, (in the city of Boston to the house of industry), or to the workhouse, if any, in the town or city where the offence was committed, if such workhouse has a criminal department, until the fine shall be paid. The person convicted and committed as aforesaid, however, shall not be imprisoned more than ten days for the non-payment of such fine.

Fine for drunkenness not to exceed one dollar without costs.

To be imprisoned for non-payment of fine.

SECTION 2. When a male person is convicted of the offence of drunkenness as aforesaid, and it is proved that he has been convicted of a like offence twice before within the next preceding twelve months, he may be punished by a fine not exceeding ten dollars, or by imprisonment in any place now provided by law for common drunkards, for a term not exceeding one year. It shall not be necessary in complaints under this act to allege such previous convictions.

If convicted a third time, may be fined \$10, or imprisoned.

SECTION 3. When it shall appear to the county commissioners of any county, or in Suffolk county to the board of directors of public institutions, that a person imprisoned under the provisions of section two of this act, in any jail, house of correction, or other place of punishment in their respective jurisdictions, has reformed, they may issue to him a permit to be at liberty during the remainder of his term of sentence; and the board that has issued such permit may revoke the same at any time previous to the expiration of the original term of sentence. The state board of health, lunacy and charity may issue to persons confined in the state workhouse the permits authorized by this section.

Prisoner may be permitted to be at liberty if reformed.

Permit may be revoked.

SECTION 4. Any court or trial justice having jurisdiction of criminal offences, when notified by the board issuing a permit that the same has been revoked, shall issue a

Warrant of arrest to be issued, if permit is revoked.

Proviso.

Repeal of
G. S. 165, §§ 25-
27.
1872, 301.

warrant for the arrest of the person holding said permit, and shall remand him to the prison from which he was released, where he shall be detained according to the terms of his original sentence; and in computing the period of his confinement, the time between his release upon said permit and his return to the prison, shall not be taken to be any part of the term of the sentence: *provided, however*, that if the person for whose arrest said warrant is issued is confined in any prison, service of such warrant shall not be made until his release from said prison.

SECTION 5. Sections twenty-five, twenty-six and twenty-seven of chapter one hundred and sixty-five of the General Statutes, and chapter three hundred and one of the acts of the year eighteen hundred and seventy-two, are hereby repealed.

Approved April 22, 1880.

Chap. 222 AN ACT IN RELATION TO THE PUBLIC LIBRARY OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

City may occupy
land in Boston
for public libra-
ry building.

Boundaries.

Building and
land to be under
control of the
trustees.

Conditions of
grant.

SECTION 1. The city of Boston is hereby granted perpetual right to hold, occupy and control, free of rent or charge by the Commonwealth, for the purpose of erecting and maintaining thereon a building for the use of the public library of said city, a parcel of land now owned by the Commonwealth and situated in that part of said city called the Back Bay, on the southerly corner of Dartmouth and Boylston streets, bounded north-westerly by Boylston Street two hundred and sixty-four feet, north-easterly by Dartmouth Street one hundred and twenty-five feet, south-easterly by a private passage way twenty-five feet in width, two hundred and sixty-four feet, and south-westerly by other land of the Commonwealth one hundred and twenty-five feet, and containing thirty-three thousand square feet, more or less, together with all the right, title and interest of the Commonwealth in that part of said passage way adjoining said parcel, and with such rights as the Commonwealth may possess to close the same. The said library building and land shall be under the care and control of the trustees of the public library of the city of Boston, under the provisions of chapter one hundred and fourteen of the acts of the year eighteen hundred and seventy-eight. This grant is made, however, subject to the following stipulations, namely: — the city of Boston shall within three years from the date of the passage of this act commence the erection of a library building on said parcel of land, and shall in respect to such erection be

subject to the restrictions heretofore contained in other conveyances by the Commonwealth of its land upon Boylston Street, and shall thereafter appropriately lay out and cultivate such ground around it as may not be occupied by the building itself, and shall thereafter keep said grounds and building in a neat and ornamental condition; and that upon the opening of said library all the citizens of the Commonwealth shall have the perpetual right of access thereto, free of charge, under such reasonable regulations as said trustees may from time to time establish.

All citizens of the state to have access to library.

SECTION 2. In case the city of Boston shall after due notice given fail to commence the erection of the library building within three years, or shall use said land, or any portion thereof, for any purpose foreign to the uses for which it is granted, it shall be lawful for the Commonwealth, by its proper officers and servants, to take appropriate action in the courts of the Commonwealth, to the end that said parcel of land, or portion thereof, may be declared forfeited by the city of Boston, and the title therein be re-vested in the Commonwealth.

Building to be erected within three years.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1880.

AN ACT TO AUTHORIZE THE TRANSFER OF LAND ON BACK BAY TO THE STATE BOARD OF EDUCATION FOR THE USE OF THE STATE NORMAL ART SCHOOL.

Chap. 223

Be it enacted, &c., as follows:

SECTION 1. The harbor and land commissioners shall reserve from sale, subject to the provisions of this act, the following described lot of land situated upon the Back Bay, so called, in the city of Boston, viz.:—

Lot of land on Back Bay to be reserved from sale.

Beginning at a point on the southerly line of Newbury Street and on the westerly line of Exeter Street, thence southerly and on the said westerly line of said street one hundred and twelve feet to a passage way sixteen feet wide; thence westerly on the northerly line of said passage way one hundred and thirty-nine feet; thence northerly and parallel to the course first described one hundred and twelve feet to the southerly line of Newbury Street aforesaid; thence easterly on said southerly line of said Newbury Street one hundred and thirty-nine feet to the point of beginning; containing fifteen thousand five hundred and sixty-eight square feet of land. Also all that part of said passage way sixteen feet wide that lies northerly of its centre line and between the easterly and westerly lines of said premises extended, reference being had

Description of land.

to the plan recorded with Suffolk Deeds at the end of liber eight hundred and eighty-five.

Building may be erected for normal art school, when money is obtained from private sources.

SECTION 2. The board of education are hereby authorized to enter upon and occupy the lot of land reserved under the provisions of section one for the purpose of erecting a building for the use of the state normal art school as provided in section three, whenever money shall be subscribed and actually paid by private individuals sufficient to erect such building.

If building is erected within three years, land to be conveyed to board of education.

SECTION 3. Whenever within three years from the passage of this act the state board of education shall have erected upon said lot, without cost to the Commonwealth, a building suitable for the state normal art school, the plans for which shall conform to the restrictions contained in the deeds heretofore given by the Commonwealth to private purchasers of land on Newbury Street and Exeter Street, and shall have been approved by the governor and council, the said board of harbor and land commissioners shall convey the above described lot of land to the state board of education and its successors, in trust for the Commonwealth, for the use of the said state normal art school, but subject to the provisions of section two of chapter thirty-four of the General Statutes and all amendments thereto. But if said building shall not be completed ready for use within three years from the passage of this act said land shall thereafter be subject to sale in the same manner as if this act had not been passed.

Approved April 22, 1880.

Chap. 224 AN ACT TO REVIVE THE CHARTER OF THE LEE AND HUDSON RAILROAD COMPANY.

Be it enacted, &c., as follows:

Charter, etc., revived, and time for location extended.

SECTION 1. Chapter one hundred and sixty-two of the acts of the year eighteen hundred and seventy-one, chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-three, and chapter three hundred and ninety-five of the acts of the year eighteen hundred and seventy-four, are revived and continued in force; and the time for the location and construction of the road of the Lee and Hudson Railroad Company is extended for two years from the passage of this act.

Subject to acceptance by the acting directors and stockholders.

SECTION 2. This act shall take effect when it is accepted by a majority of the acting directors of the Lee and Hudson Railroad Company and by the persons recorded as stockholders thereof representing a majority of the stock, at a

meeting called for the purpose, said vote to be taken within six months from the passage hereof; and all the rights, duties and obligations of said company and all contracts and liabilities made or incurred by it shall be revived, notwithstanding the provisions of law in regard to the limitation of actions or proceedings for the recovery of damages, and made valid against said company.

Duties and liabilities.

SECTION 3. All acts done under authority hereof shall be done in conformity with and subject to the provisions of the general railroad act of the year eighteen hundred and seventy-four and of all acts in amendment thereof, except as herein otherwise provided.

Acts to be done under provisions of the general railroad law.

Approved April 22, 1880.

AN ACT IN RELATION TO REGISTRATION AND ELECTIONS IN THE CITY OF BOSTON. *Chap. 225*

Be it enacted, &c., as follows:

SECTION 1. Chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-eight is amended as follows:—

Amendments to 1878, 243.

First, by striking out all of section six of said act, down to and including the word “precincts” in the fifth and sixth lines, substituting in place thereof the following:— “The assessors of taxes of the city of Boston shall, on or before the fifteenth day of July in each year, cause street lists of the several voting precincts in said city to be printed and compiled in pamphlet form for public distribution. Said compilation shall be by precincts, separately, not exceeding fifty copies for each, arranged.”

Lists of precincts to be printed for distribution.

Second, by striking out section eight of said act.

Third, by substituting in place of section nine of said act the following:— “SECTION 9. All corrections of assessed names upon tax bills shall be made by the board of assessors, the registrars of voters, or assistant registrars, on a form of a certificate specially prepared for the purpose; and all tax bills so changed, together with the certificates, shall be stamped with an official stamp of the board making such change, before the person represented by such tax bill shall be allowed to register as a voter. All certificates of names so changed shall be sent to the collector of taxes, who shall as soon as may be, after the first day of January in each year, make corresponding changes or corrections on the list of assessed polls committed to him by the board of assessors. The collector shall also transmit said certificates to the board of assessors, who shall before the first day of

Corrections of assessed names upon tax bills.

March in each year make corresponding changes or corrections on the street books in their department."

Fourth, by inserting in line one of section eleven of said act after the word "ward," the words "or precinct."

Identity and
qualifications of
applicant for
registration.

Fifth, by amending section fifteen so that it shall read as follows: — "If the registrars are not satisfied as to the identity or qualifications of an applicant for registration, they may make such examination of such applicant, under oath, as they may consider necessary or proper to verify the fact that he is possessed of the constitutional requirements of a voter; and said registrars, as soon after the second day of September in such year as may be necessary, shall hold evening sessions in or near each ward, for the performance of any and all the duties imposed upon them by the provisions of this act: *provided, however*, that they shall hold not less than ten evening sessions of not less than three hours' duration prior to the annual state and municipal elections. The collector of taxes shall assign a deputy to be present at all such meetings held before the annual state election for the collection of taxes. He shall also give public notice thereof by advertisements in at least two daily papers printed in Boston, one of which shall be an evening paper, and by a circular or card addressed to each person assessed for a poll tax only, and delivered through the mail or otherwise. Said circulars or cards shall be delivered on or before the second day of September in each year. No tax bill for poll taxes only shall hereafter be distributed to or for the person assessed before payment thereof.

Precinct lists of
voters to be
posted.

SECTION 2. All requirements of law in regard to the preparation, publication, posting or use of ward lists in the city of Boston shall be held to be complied with by the employment, in each precinct, of precinct lists, of like description in all respects, of all the legal voters therein.

Amendments to
1877, 60, § 6.

SECTION 3. Section six of chapter sixty of the acts of the year eighteen hundred and seventy-four, as amended by section three of chapter two hundred and thirty-five of the acts of the year eighteen hundred and seventy-seven, is amended so as to read as follows: — "The registrars shall, at least twenty-four days before the day of the annual state election, cause printed lists of the voters in each precinct to be posted in one or more places in such precinct, with notices thereon stating the place and hours in which they or the assistant registrars for such precinct will hold sessions to correct and revise

the lists. If the assistant registrars refuse to place the name of any person on the voting list he may appeal to the board of registrars of voters."

SECTION 4. The provisions of chapter two hundred and twenty-five of the acts of the year eighteen hundred and seventy-six are, as far as they relate to the city of Boston, extended to the voting precincts therein in place of the wards.

Amendments to
1876, 225.

SECTION 5. Whenever there is a vacancy in the board of aldermen or common council in the city of Boston, by failure to elect, removal from the city, death, resignation or otherwise, it shall be the duty of said board of aldermen to issue their warrant in due form for an election to fill such vacancy, at such time and place as they may deem advisable; but in case of a vacancy in the common council such warrant shall not be issued until the board of aldermen receive official notice of such vacancy.

Election to fill
vacancy in the
board of
aldermen.

SECTION 6. Sections twenty-one, twenty-two, twenty-three and twenty-five of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four, and all acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of
1854, 448, §§ 21,
22, 23, 25.

Approved April 22, 1880.

**AN ACT TO INCREASE THE SALARY OF THE JUSTICE AND CLERK
OF THE SECOND DISTRICT COURT OF PLYMOUTH.**

Chap. 226

Be it enacted, &c., as follows:

SECTION 1. From the first day of May eighteen hundred and eighty the justice and clerk of the second district court of Plymouth shall each receive one hundred and fifty dollars, annually, in addition to the salary now authorized by law.

Salaries
increased.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1880.

AN ACT TO IMPOSE AN EXCISE TAX UPON LIFE INSURANCE COMPANIES.

Chap. 227

Be it enacted, &c., as follows:

SECTION 1. Every corporation and association engaged within this Commonwealth, by its officers or by agents as defined by chapter one hundred and fourteen of the acts of the year eighteen hundred and sixty-four, in the business of life insurance, whether incorporated by authority of this Commonwealth or otherwise, shall annually pay an excise tax of an amount to be determined by assessment of the same upon a valuation equal to the aggregate net

Excise tax upon
life insurance
companies.

value of all policies in force on the thirty-first day of December, then next preceding, issued or assumed by such corporation or association, and held by residents of the Commonwealth at the rate of one-half of one per centum per annum.

Sworn returns
to be made to
tax commis-
sioner.

SECTION 2. Every such corporation chartered by this Commonwealth shall, annually, on or before the tenth day of May, make a return to the tax commissioner, signed and sworn to by its president and secretary, giving the number, date and class of the policies so held, the age of the assured life, and the aggregate net value of each group requiring a separate computation to determine their net value and the combined aggregate. In case of companies or associations chartered or organized by other authority than this Commonwealth, like returns shall be made by the general agent of the company or association appointed under the provisions of chapter sixty-eight of the General Statutes; but a return made and sworn to by the president and secretary of the company may be accepted by the tax commissioner, and shall be binding upon the company. The tax commissioner shall, upon such return and such other evidence as he may obtain, assess and determine the amount to be paid by such corporation under the requirements of the first section of this act; and the provisions of the eleventh, twelfth, thirteenth and seventeenth sections of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, shall apply to the determination of the amount, notification, and time of payment of assessments under this act, except that notification shall be made to the secretary or general agent of the company or association instead of the treasurer.

Tax commis-
sioner to assess
and determine
amounts to be
paid.

SECTION 3. For the purpose of this act all persons or corporations shall be deemed residents of this Commonwealth who, under the provisions of chapter eleven of the General Statutes, are made liable to taxation on account of personal property other than that mentioned in the first, second and third divisions of section twelve of said chapter, owned or held by or for them in trust, pledged, or otherwise.

Certain persons
and corpora-
tions deemed
residents of
state.

SECTION 4. Every corporation or association neglecting to make return as required by this act shall forfeit fifty dollars for each day of such neglect; and any corporation that wilfully makes false statements in any such return shall be liable to pay a fine of not less than five hundred nor more than five thousand dollars. All sums forfeited,

Penalties for
neglecting to
make return.

and all taxes unpaid when due, by a corporation under this act, or any act amending this act, may be collected by information in equity brought in the supreme judicial court in the name of the attorney-general, at the relation of the treasurer and receiver-general; and upon such information the court may issue an injunction restraining the further prosecution of the business, or of any part thereof, of the corporation named therein, until said sums forfeited as aforesaid, or said taxes due and unpaid as aforesaid are paid, together with interest and the costs of the information, and until the returns required by this act, and any act amending this act are made.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1880.

AN ACT CONCERNING ACCOUNTS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Chap. 228

Be it enacted, &c., as follows:

SECTION 1. The commissioners of savings banks may prescribe the manner and form of keeping and auditing the books and accounts of any savings bank or institution for savings.

Commissioners may prescribe form of keeping and auditing books.

SECTION 2. In addition to the statements now required in the annual returns of savings banks and institutions for savings, each treasurer thereof shall state the number and amount of open accounts of fifty dollars and less, the number and amount of open accounts exceeding fifty dollars and not more than one hundred dollars, the number and amount of open accounts exceeding one hundred dollars and not more than two hundred dollars, the number and amount of open accounts exceeding two hundred dollars and not more than five hundred dollars, the number and amount of open accounts of one thousand dollars or more; also the number and amount of open accounts to the credit of females, guardians, in trust, and religious and charitable associations respectively. The above return shall be made whenever called for by the savings bank commissioners.

Treasurers to make returns of certain open accounts, when called for by the commissioners.

SECTION 3. Chapter two hundred and eighty-five of the acts of the year eighteen hundred and seventy-nine is hereby repealed.

Repeal of 1879, 285.

SECTION 4. This act shall take effect upon its passage.

Approved April 22, 1880.

Chap. 229 AN ACT TO AMEND CHAPTER FIFTY-ONE OF THE GENERAL STATUTES IN RELATION TO WEIGHTS AND MEASURES.

Be it enacted, &c., as follows :

Towns to be furnished with standard weights and measures.

SECTION 1. The treasurer shall furnish to each town not heretofore provided therewith, and to towns that may hereafter be incorporated, complete sets of standard weights and measures, such as each town is by law required to keep for the use of its inhabitants.

Repeal of G. S. 51, § 4.

SECTION 2. Section four of chapter fifty-one of the General Statutes is hereby repealed.

Approved April 22, 1880.

Chap. 230 AN ACT IN ADDITION TO "AN ACT FOR THE INSPECTION OF GAS METERS, THE PROTECTION OF GAS CONSUMERS, AND THE PROTECTION AND REGULATION OF GAS LIGHT COMPANIES."

Be it enacted, &c., as follows :

Assistant inspector of gas meters, to be appointed by governor.

SECTION 1. The governor shall with the advice and consent of the council appoint an assistant inspector of gas meters and of illuminating gas, who shall assist in performing the duties of the inspector under his direction. He shall hold his office for three years from the date of his appointment, unless sooner removed, and shall receive a salary of twelve hundred dollars per year, to be collected and paid in the same manner as is now provided by law for the salary of the inspector. He shall be subject to all the conditions, disabilities and responsibilities now imposed by law upon the inspector, except that the amount of the bond to be furnished by him shall be two thousand dollars.

Salary of, \$1,200 a year.

Inspector and assistant to be paid travelling expenses.

SECTION 2. The inspector and his assistant shall be paid in addition to their salaries all actual travelling expenses necessarily incurred by them in the performance of their duties, the amounts to be collected and paid in the same manner as is now provided for said salaries.

Meters to be sealed.

SECTION 3. No meter shall be used for measuring gas supplied to a consumer unless it be sealed and stamped in the manner required by law; and for every meter not so sealed and stamped, in use after the first day of July eighteen hundred and eighty, a fine of five dollars shall be paid to the city or town where such meter is situated by the gas company supplying the same.

Penalty.

Company to provide a suitable room containing a disc photometer.

SECTION 4. Every gas light company annually manufacturing more than fifteen million cubic feet of gas shall provide a suitable room, at least a quarter of a mile from the gas works, containing a disc photometer of a construc-

tion approved by the inspector; and this room shall be open to the inspector and his assistant every working day from eight A.M. to six P.M.

SECTION 5. The gas of every company supplying more than fifty consumers shall be inspected at least twice a year, and one additional inspection shall be made for every four million cubic feet of gas supplied by each company: *provided*, that the gas of no company shall be inspected oftener than once a week. All such inspections shall be made by the inspector or his assistant, and one-fourth at least of all such inspections shall be made by the inspector. The gas shall be tested for illuminating power by means of a disc photometer; and during such test shall be burned from the burner best adapted to it which is at the same time suitable for domestic use, and at as near the rate of five feet per hour as is practicable. Whenever the gas of any company shall be found on three consecutive inspections to give less light than fifteen standard English candles, or to contain more than twenty grains of sulphur or ten grains of ammonia per hundred cubic feet of gas, or more than ten per cent. of carbonic oxide, or any sulphuretted hydrogen, a fine of one hundred dollars shall be paid by such company to the city or town supplied by it; but no fine for any impurities found before the first day of September, eighteen hundred and eighty shall be imposed. Whenever during the test the consumption of gas shall vary from five feet per hour, or the candle from one hundred and twenty grains per hour, a proportionate correction shall be made for the candle power.

Inspection
of gas.

Gas to be
tested by means
of a disc
photometer.

Companies to
be fined for
impurities.

SECTION 6. Section seven of chapter one hundred and sixty-eight of the acts of the year eighteen hundred and sixty-one is hereby amended by inserting after the word "apparatus" the words "and chemicals."

Amendment to
1863, 168, § 7.

SECTION 7. Sections six and ten of chapter one hundred and sixty-eight of the acts of the year eighteen hundred and sixty-one are hereby repealed.

Repeal of
1861, 168, §§ 6,
10.

Approved April 22, 1880.

AN ACT CONCERNING THE CARE OF ABANDONED AND ABUSED CHILDREN.

Chap. 231

Be it enacted, &c., as follows:

The Hampden County Children's Aid Association shall have the same rights, privileges and authority relating to the guardianship, custody and control of minor children residing in Hampden County, as are given by chapter one

Association
may be
appointed
guardian, etc.,
by the court.

hundred and seventy-nine of the acts of the year eighteen hundred and seventy-nine to The Massachusetts Society for the Prevention of Cruelty to Children, and the probate court for said county and judges or justices of other courts sitting therein, shall have the same right to appoint the said association guardian, or to give it the custody of such children, that they have under said chapter to appoint the said Massachusetts Society for the Prevention of Cruelty to Children, or to give it custody in like cases: *provided*, that nothing in this act or in said chapter shall limit the powers given to the board of health, lunacy and charity by existing laws.

Approved April 22, 1880.

Powers given to board of health, etc., not to be limited.

Chap. 232 AN ACT LIMITING THE FORFEITURE OF POLICIES IN LIFE INSURANCE COMPANIES.

Be it enacted, &c., as follows:

SECTION 1. No policy of life or endowment assurance issued by any company incorporated or organized under the laws of this Commonwealth shall become forfeited or void for non-payment of premium after two full annual premiums shall have been paid thereon, in cash or note, or both; but upon default in any subsequent premium payment such policy shall become subject to the conditions hereinafter expressed.

Policies not to be forfeited after two full annual payments have been made.

SECTION 2. In case of default in the payment of a third or of any subsequent annual premium on any policy issued as aforesaid, then such policy, without further negotiation or stipulation, shall be binding upon the company for an amount of paid-up insurance which the then net value of the policy, less any indebtedness of the assured to the company and a surrender charge as hereinafter provided, will purchase as a net single premium for life or endowment assurance, maturing or terminating at the same time and in the same manner as provided in the original policy contract; that is to say, no condition of the policy contract, other than for the payment of premiums, shall be affected by the provisions of this act; nor shall any change be made in the terms of said contract on account of default in premium payment, after two full annual premiums have been paid as provided in section one of this act, except as herein set forth. The net value of the policy including all dividend additions declared thereon at the date of said default, shall be ascertained according to the combined experience or actuaries' rate of mortality, with interest at four per cent. per annum; and

Insurance and value upon default of payment of third or subsequent annual premium.

Net value of policy.

from such value shall be deducted any indebtedness of the insured to the company, or notes held by the company against the insured, and a surrender charge to be determined as hereinafter provided.

SECTION 3. Said surrender charge shall be determined as follows:— Assuming the rate of mortality and interest aforesaid, the present value of all the normal, future yearly costs of insurance, which by its terms said policy is exposed to pay in case of its continuance, shall be calculated, and eight per cent. of this sum shall be the legal surrender charge.

Determination
of surrender
charge.

SECTION 4. Whenever after the payment of two annual premiums as aforesaid the insurable interest in the life of the insured has terminated, the net value of the policy, subject to the conditions named in section two of this act, shall be a surrender value payable in cash: *provided*, also, that upon the termination of such insurable interest the holder of any policy upon which by its terms no further premiums are payable, may upon any anniversary thereof claim and recover in cash from the company a surrender value computed as aforesaid; and *provided*, further, that upon policies of prudential or industrial insurance, on which the premiums are five cents per week and upwards, but not exceeding fifty cents, the said surrender value shall in all cases be payable in cash.

Surrender value
payable in cash.

Provisos.

SECTION 5. The insurable interest named in section four of this act shall be construed to have terminated when the insured has no minor or dependent child; and his wife, if he has one, and any living beneficiary or beneficiaries named in the policy shall join in the application for surrender thereof.

Termination
of insurable
interest.

SECTION 6. The provisions of chapter one hundred and eighty-six of the acts of eighteen hundred and sixty-one shall not apply to any policy issued subsequent to the thirty-first day of December, eighteen hundred and eighty.

Provisions of
1861, 186, not
to apply to
policy issued
after Dec. 31,
1880.

SECTION 7. This act shall take effect on the first day of January, eighteen hundred and eighty-one.

Approved April 23, 1880.

AN ACT IN RELATION TO THE ESTATES OF DECEASED PERSONS.

Be it enacted, &c., as follows:

Chap. 233

SECTION 1. Whenever judgment shall have been rendered against the estate of a deceased person which has been rendered insolvent, and certified copies from the probate court showing such representation and the appointment of commissioners of insolvency shall have been filed

Judgment
against insol-
vent estate of
deceased
person.

in the clerk's office of the court in which the judgment was rendered, no execution shall be issued thereon, or enforced. But such judgment may be presented for allowance to the commissioners; otherwise the proceedings touching such judgment shall be the same as with judgments rendered on appeal from commissioners of insolvency.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1880.

Chap. 234 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS CHARITABLE MECHANIC ASSOCIATION.

Be it enacted, &c., as follows:

Real and personal estate to value of \$300,000.

The Massachusetts Charitable Mechanic Association is hereby authorized to hold real and personal estate to the value of three hundred thousand dollars, in addition to the amount it is now authorized to hold, and the income of the same shall be applied to the same purposes as are specified in the former acts concerning said association.

Approved April 23, 1880.

Chap. 235 AN ACT TO INCORPORATE THE NEWBURYPORT WATER COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Joseph B. Morss, William H. Huse, Edward F. Coffin, Edward P. Russell, Henry M. Cross and Lawrence B. Cushing, their associates and successors, are hereby made a corporation by the name of the Newburyport Water Company, for the purpose of furnishing the inhabitants of Newburyport with pure water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Name and purpose.

Powers and duties.

May take water from Kimball's Pond and Powow River.

SECTION 2. Said corporation for the purposes aforesaid may take and hold the water or so much thereof as may be necessary not exceeding one and a half million of gallons daily, of any springs, natural ponds or brooks within the limits of said city, or of Kimball's Pond in the towns of Amesbury and Merrimac, or any of the effluents from said pond, or from the Powow River in said town of Amesbury and the town of Salisbury; and may convey said waters or any part thereof, into and through said city and said towns of Amesbury and Salisbury; and may take and hold by purchase or otherwise any real estate neces-

sary for the raising, preservation and purity of the same, or for forming dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held in any and all parts of said city and towns of Amesbury and Salisbury; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do other acts and things convenient or proper for carrying out the purposes of this act. In case either of the towns in which said Kimball's Pond is situated, should hereafter apply for authority to take water from the same, the powers hereby granted shall not be construed as creating any priority of right, or operate in the prejudice of such application.

May lay pipes through private lands.

May enter upon and dig up roads.

SECTION 3. Said corporation may declare the quantity of water proposed to be taken under this act, not exceeding one and a half million of gallons daily, not less than three months before the waters shall be withdrawn from said springs, ponds or brooks; and within sixty days from the time it shall take any lands, springs, ponds or brooks for the purpose of this act, otherwise than by purchase, said corporation shall file in the registry of deeds for the southern district of the county of Essex a description of such lands, springs, ponds, brooks or water, sufficiently accurate for identification, and state the purposes for which it is so taken, and the title of any land so taken shall vest in said corporation; and upon such filing the terms shall be the measure and limit of the right of said corporation to take and divert the waters of such springs, ponds or brooks; but if no such notice is filed said measure and limit shall be one and a half million of gallons daily. If at any time said corporation shall take a larger quantity of water than said limit, it may be restrained by injunction from taking such larger quantity, in a suit in equity brought by any party interested.

May declare quantity of water to be taken.

To file in registry of deeds description of land, etc., taken.

SECTION 4. Any person or corporation injured in any way by any acts of said corporation under this act and failing to agree with said corporation as to the amount of damages may have the same assessed and determined in the manner provided when land is taken for highways;

Assessment of damages.

but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards; and no suit for injury done under this act shall be brought after two years from the alleged date of the receipt of injury.

If water is taken from Kimball's Pond or Powow River, main pipe to be laid through Amesbury.

SECTION 5. If said corporation takes the water from Kimball's Pond or any of its effluents, or from Powow River, it shall lay its aqueduct or main pipe for conducting the same to said city by some convenient route through the town of Amesbury. The inhabitants of any town upon the line of the works authorized by this act, upon the application of its board of selectmen, shall be entitled to the reasonable use of the water, for the same uses as are herein before provided, upon paying an equitable compensation therefor, which in case of difference shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party, and notice to the other, whose award when accepted by the court shall be binding upon the parties for the term of five years.

Towns may require hydrants to be inserted.

SECTION 6. Any town under whose roads, streets or ways said corporation lays its aqueducts or main pipe, may require said corporation to insert therein proper hydrants, at points not less than five hundred feet apart, to be used for extinguishing fires and for no other purpose. The expense of inserting said hydrants and keeping the same in repair shall be paid by such town.

Penalty for diverting water or rendering it impure.

SECTION 7. If any person shall use any water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof, taken or held by said corporation pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, conduit, pipe, hydrant, machinery or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be also punished by fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECTION 8. Said corporation may distribute the water through said city of Newburyport; may establish and fix from time to time rates for the use of said water and collect the same; and may make such contracts with the said city of Newburyport or with individuals or corporations to supply water for fire or for other purposes as may be agreed upon by said city or individuals or corporations, and said corporation; *provided*, that the source of supply, the size and quality of the pipes to be used, shall be approved by the board of water commissioners to be appointed under the provisions of this act. The city of Newburyport is hereby authorized to contract for a supply of water for fire purposes for a term of years with said Newburyport Water Company; *provided*, the same is assented to by said city by a majority vote of the voters present and voting thereon at a legal meeting called for that purpose.

May fix water rates and collect the same.

Proviso.

SECTION 9. Said corporation for the purposes set forth in this act may hold real and personal estate, and the whole capital stock shall not exceed three hundred thousand dollars to be divided into shares of one hundred dollars each.

Real and personal estate.

Capital stock and shares.

SECTION 10. The city of Newburyport is hereby authorized to appoint a board of water commissioners, to consist of five citizens of said city, who shall be chosen by the city council by joint ballot of both branches, whose duties it shall be to investigate all questions relative to the introduction of pure water into said city; to ascertain the cost of the same; and report the result of the investigation and deliberations upon the same to the city council at least ten days prior to the time appointed by section twelve of this act for said city to vote upon the acceptance of chapter two hundred and forty of the acts of the year eighteen hundred and seventy-eight. They shall serve without compensation, but the necessary expenses and liabilities incurred in the employment of engineers and personal examination of various systems of water supply shall be defrayed by said city; and the city council shall appropriate such sum or sums of money as may be needed for this purpose and in the same manner as money is appropriated for other city purposes.

Board of water commissioners to be appointed.

SECTION 11. The city of Newburyport shall have the right at any time after ten years from the date of the completion of said works to purchase the corporate property and all the rights and privileges of said company at a price which may be mutually agreed upon between said corporation and the said city of Newburyport; and the said cor-

City may purchase rights and property.

poration is authorized to make sale of the same to said city. In case said corporation and city are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party, and notice to the other, whose award when accepted by the court shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said city by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

In case of acceptance of 1878, 240, by Newburyport, this act to be inoperative.

SECTION 12. In case the city of Newburyport shall accept chapter two hundred and forty of the acts of the year eighteen hundred and seventy-eight as revived and continued by chapter two hundred and forty of the acts of the year eighteen hundred and seventy-nine, within two months from the date of the passage of this act, and shall also within three months after so accepting the same vote to construct the works contemplated therein, and to raise and appropriate the necessary sum of money therefor, this act shall be inoperative, otherwise this act shall take effect at and upon the expiration of the said two months, and the said chapter two hundred and forty of the acts of the year eighteen hundred seventy-eight as revived by chapter two hundred and forty of the acts of the year eighteen hundred seventy-nine shall become void.

Approved April 23, 1880.

Chap. 236 AN ACT RELATIVE TO THE APPORTIONMENT OF THE COST OF CONSTRUCTING AND MAINTAINING A BRIDGE OVER CONNECTICUT RIVER BETWEEN AGAWAM AND SPRINGFIELD.

Be it enacted, &c., as follows:

Commissioners to be appointed to apportion cost of constructing bridge over Connecticut River.

SECTION 1. At any time within six months from the passage hereof, the supreme judicial court or any justice thereof, upon the written application of the city of Springfield or town of Agawam, shall appoint a board of commissioners consisting of three suitable and disinterested persons, not residents of Hampden County, who having been duly sworn to the faithful and impartial discharge of their duties, shall after due notice to all parties interested and after a hearing determine and decree the amount of special benefits said city and town receive from the bridge over the Connecticut River constructed under the provisions of chapter two hundred of the acts of the year eighteen hundred and seventy-three.

SECTION 2. If said commissioners shall find that the special benefits of said bridge to said city and town do not equal the cost of the bridge including all land damages and expenses as they appear in the report of the county commissioners on file in the office of the clerk of the supreme judicial court for said county, then they shall determine and decree that said Hampden County shall pay to said city and town the amount that each has paid or become liable for on account of the construction of said bridge in excess of the benefit it receives therefrom; and their determination and decree or that of the major part of them shall be made in writing and reported to the supreme judicial court or any justice thereof; and when the same is accepted and judgment entered thereon by the said court it shall be binding upon all parties interested therein. Said commissioners shall also determine and decree who shall pay their reasonable fees and expenses.

If special benefits do not equal the amounts paid, excess to be paid by county.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1880.

AN ACT TO LEGALIZE THE ACTION OF THE TOWN OF STOUGHTON AT A MEETING HELD THE FIFTH DAY OF APRIL EIGHTEEN HUNDRED AND EIGHTY, CONCERNING THE BUILDING OF A TOWN HALL.

Chap. 237

Be it enacted, &c., as follows:

SECTION 1. The action of the town of Stoughton at its last annual meeting, held on the fifth day of April in the year eighteen hundred and eighty, with reference to the issuing of bonds by the town in payment for a town house, is hereby ratified, legalized and made valid.

Action of town meeting ratified.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1880.

AN ACT TO AMEND AN "ACT TO INCORPORATE THE CAPE COD SHIP CANAL COMPANY."

Chap. 238

Be it enacted, &c., as follows:

SECTION 1. Chapter thirty-six of the acts of the year eighteen hundred and seventy is hereby amended by inserting in section two after the word "wharves," the word "basins;" by inserting in section two after the words "for the convenient using of said canal," the words "together with the highways provided for by this act, and any act in amendment thereof;" by inserting in section four of said act after the word "breakwaters," the word "basins;" by inserting in said section four after the

Amendments to 1870, 36, §§ 2, 4, 6, 24.

word "gates," the word "highways;" by striking out the word "may," in the last clause of section five of said act, and inserting instead the word "shall;" by inserting in section twenty-four of said act after the word "act," the words "below high water mark;" and by striking out wherever they occur in said act the words "Cape Cod Railroad Company," and substituting therefor the words "Old Colony Railroad Company."

Amendment to
1870, 36, § 8.

SECTION 2. Section eight of said act is hereby amended by inserting after the word "crossing," the words "and the location of the canal company at the crossing;" and by striking out of said section all that follows the words "as in the case of the construction of railroads," and substituting therefor the words following, to wit:—

To build bridge
across canal.

"And the Cape Cod Ship Canal Company shall also build, maintain and keep in repair to the satisfaction of the railroad commissioners, a bridge across said canal, suitable for the passing of the railroad, and also for the passing of the highway at the point fixed upon as above provided, which said bridge shall have a suitable draw for the passage of vessels; and said railroad company shall appoint a steady and discreet superintendent and all necessary assistants for such drawbridge who shall be paid a reasonable compensation by said canal company. Said superintendent shall be experienced in the management of vessels, and shall have full control and direction of the passing of vessels through the draw, and of trains over the bridge, and with said assistants shall be subject to such rules and regulations not inconsistent with law as said railroad and canal company shall from time to time prescribe for the operation of said bridge; but such rules and regulations shall be subject to approval and alteration by the railroad commissioners. And said superintendent and assistants shall be subject to removal by said railroad commissioners. And railroad passenger trains shall have precedence over vessels, when there is occasion for such trains to pass said bridge; but freight trains shall not have such precedence, unless the railroad commissioners shall so determine."

Amendment to
1870, 36, § 14.

SECTION 3. Section fourteen of said act is hereby amended to read as follows, to wit:—"The provisions relating to drawbridges contained in sections one hundred and nine to one hundred and thirteen of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, shall extend to said bridge so far as applicable, except that the word "fifteen" in the tenth

line of section one hundred and ten, shall for the purpose of this act be erased and "five" substituted in its place. And the same penalties and forfeitures provided in section one hundred and fourteen of said statute shall also be in force, and may be recovered of the Old Colony Railroad Company, or any engineer, or any superintendent of said bridge, in like manner as therein provided for the violation of any of the provisions of section one hundred and eleven, one hundred and twelve, and one hundred and thirteen of said chapter three hundred and seventy-two, or of the rules and regulations provided for by section eight of this act as amended."

SECTION 4. Section sixteen of said act is hereby amended to read as follows, to wit:—"The said canal company shall also construct such highways to connect with the bridge and ferries provided for in sections eight and fifteen of this act, and such other highways as may be necessary to replace the highways destroyed by the construction of said canal, as the county commissioners for the county of Barnstable shall prescribe, upon each side of said bridge and ferries. And after the completion of such highways, and their acceptance by the said county commissioners, the said canal company shall not be responsible in any manner for the further maintenance of the same."

Amendment to
1870, 36, § 16.

SECTION 5. The said corporation shall file a new location of its canal to the satisfaction of the railroad commissioners, in the manner provided by chapter one hundred and thirty-five, acts of eighteen hundred and seventy-eight, for filing railroad locations, on or before the first day of July eighteen hundred and eighty. In case of failure so to do, all powers granted to said corporation by chapter thirty-six of the acts of eighteen hundred and seventy, and all acts amending the same, shall be revoked and repealed.

To file a new
location of
canal.

SECTION 6. All acts and part of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved April 23, 1880.

AN ACT TO AMEND AN ACT REGULATING THE SALE OF INTOXICATING LIQUORS.

Chap. 239

Be it enacted, &c., as follows:

SECTION 1. Each license of the first, second or third class, to sell intoxicating liquors under the provisions of chapter ninety-nine of the acts of the year eighteen

License to
specify room in
which liquor
may be sold.

Proviso.

Entrances, except from the street, may be required to be closed.

Screens, blinds, etc., may be required to be removed.

Sale not to be made to a minor, etc.

If judgment for injuries remains unsatisfied for thirty days, license to be revoked.

Intoxicating liquor.

hundred and seventy-five, shall specify the room or rooms in which such liquors shall be sold or kept. No person licensed as aforesaid shall keep, sell or deliver any such liquors in any room or part of a building not specified in his license as aforesaid: *provided*, that this section shall not apply to persons holding an innholder's license. A violation of the provisions of this section shall render a license subject to forfeiture as provided by law in case of a violation of the conditions of a license.

SECTION 2. The board granting a license to sell intoxicating liquors, under the provisions of said chapter ninety-nine, may require the licensee to permanently close all entrances to the licensed premises other than those from the public street or streets upon which such premises are located, and may so specify in the license, and in such case the construction or opening of any such entrance shall of itself make void the license. And said board may at any time require the licensee to remove any screen, blind, shutter, curtain, partition, or painted, ground or stained glass window, or any other obstruction which shall interfere with a view of the interior of the licensed premises.

SECTION 3. Chapter ninety-nine of the acts of the year eighteen hundred and seventy-five is hereby amended by adding to the fourth condition in the sixth section the following words:—"and that no sale or delivery of intoxicating liquor shall be made to a minor for his parent's use or for the use of any other person, or to a person who is known to have been intoxicated within the six months next preceding."

SECTION 4. Whenever a judgment, recovered in favor of any person for injuries resulting from the sale or gift of intoxicating liquors under the provisions of chapter two hundred and ninety-seven of the acts of the year eighteen hundred and seventy-nine, against any person licensed to sell intoxicating liquors, shall remain unsatisfied for the period of thirty days after the entry thereof, the board granting such license shall revoke the same, and no license shall be granted to the person against whom such judgment has been recovered until the same is satisfied.

SECTION 5. Section eighteen of chapter ninety-nine of the acts of the year eighteen hundred and seventy-five is hereby amended by adding at the end thereof the following words:—"any beverage containing more than three per cent. of alcohol, by volume, at sixty degrees Fahrenheit, shall be deemed to be an intoxicating liquor within the meaning of this act."

SECTION 6. Whoever violates any of the provisions of this act shall be punished in the manner provided by law for the punishment of persons illegally selling spirituous or intoxicating liquors. Penalties.

SECTION 7. Municipal, district and police courts, and trial justices, shall have jurisdiction concurrent with the superior court over violations of this act. Jurisdiction.

SECTION 8. This act shall take effect upon the first day of May of the current year. To take effect
May 1, 1880.

Approved April 23, 1880.

AN ACT TO FIX THE COMPENSATION OF CERTAIN EMPLOYÉS OF THE EXECUTIVE DEPARTMENT. Chap. 240

Be it enacted, &c., as follows:

SECTION 1. The messenger and assistant messenger in the executive department, shall receive per year, and at the same rate for any fraction thereof, in full compensation for their services, the following sums, to wit:—The messenger, nine hundred dollars, and the assistant messenger, seven hundred dollars. Salaries
increased.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect on the first day of April, eighteen hundred and eighty. To take effect
April 1, 1880.

Approved April 24, 1880.

AN ACT TO AUTHORIZE THE TOWN OF STERLING TO RAISE MONEY FOR CELEBRATING THE CENTENNIAL ANNIVERSARY OF ITS INCORPORATION. Chap. 241

Be it enacted, &c., as follows:

SECTION 1. The town of Sterling is hereby authorized to raise money, by taxation the present year, to an amount not exceeding five hundred dollars, for the purpose of commemorating, on the twenty-sixth day of April in the year eighteen hundred and eighty-one, the centennial anniversary of its incorporation, and for publishing the doings of said celebration. May raise
money for
celebration of
anniversary of
incorporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT TO CONFIRM THE TAKING OF LAND FOR A HIGHWAY, TO AUTHORIZE THE EXCHANGE OF LAND, AND OTHER ACTS IN CONNECTION WITH THE HOOSAC TUNNEL AND TROY AND GREENFIELD RAILROAD IN GREENFIELD. Chap. 242

Be it enacted, &c., as follows:

SECTION 1. The taking of lands of the Commonwealth for a highway from Main Street in Greenfield to the site Taking land of
Commonwealth
by commission.

ers of Franklin
County, ratified.

of the union passenger station in that town by the county commissioners of Franklin county, as described and shown on a plan filed by them in the office of the clerk of courts of that county, is ratified and declared to be a valid taking, and said lands are dedicated to the purposes of such highway.

Land may be
exchanged, etc.

SECTION 2. The governor with the advice and consent of the council is authorized to exchange any land of the Commonwealth on either side of said highway with any person for such other land as they may deem necessary for the use of the Troy and Greenfield Railroad, and the land so exchanged shall be conveyed by deed of quitclaim executed by the treasurer and receiver-general.

Retaining wall.

SECTION 3. The said county commissioners may authorize the manager of said railroad to build a retaining wall east of the embankment of said highway to protect the same on any part of the land referred to in the first section of this act, and to use thereafter the land allowed for the embankment not exceeding twelve feet in width for the purposes of said railroad.

Telegraph com-
pany may use
wires and poles
belonging to
railroad.

SECTION 4. The manager under the direction of the governor and council shall allow any telegraph company doing commercial business to use the right of way of the Troy and Greenfield Railroad and the wire and poles belonging to the Troy and Greenfield Railroad for telegraphic purposes, upon such terms and conditions as said governor and council may prescribe.

SECTION 5. This act shall take effect upon its passage.

Approved April 24, 1880.

Chap. 243

AN ACT MAKING APPROPRIATIONS FOR THE IMPROVEMENT AND MAINTENANCE OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Be it enacted, &c., as follows :

Appropriations
for improve-
ment and main-
tenance of Troy
and Greenfield
Railroad and
Hoosac Tunnel.

SECTION 1. The sums hereinafter mentioned are appropriated for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel, of which sums the amount allowed for land damages and passenger station at Greenfield shall be paid from the treasury of the Commonwealth, and the remaining sums, to be expended under the direction of the governor and council, shall be paid from the moneys paid since January first of the current year or hereafter paid into the treasury on account of said railroad and tunnel after deducting current expenses and without reference to future adjustments of compensa-

tion to corporations operating said railroad. A sum not exceeding eight thousand dollars for land damages and passenger station at Greenfield, together with all appropriations heretofore made for that purpose. A sum not exceeding seven thousand four hundred dollars for completing a double track iron bridge at Deweyville. A sum not exceeding six thousand two hundred dollars for cable for telegraphic purposes and for telegraphic line, offices and instruments at Greenfield and Blackington, and for general repairs on the line. A sum not exceeding seven thousand six hundred and seventy-seven dollars for completing arch and ventilating flues at central shaft. A sum not exceeding eighty-two thousand one hundred and eighty-one dollars for cutting niches and laying a second track in the tunnel. A sum not exceeding three thousand seven hundred and sixty dollars for stone ballast in tunnel. A sum not exceeding one thousand dollars for steel rails to complete steel track. A sum not exceeding five thousand nine hundred and fifty dollars for steel rails for repairs. A sum not exceeding thirty-six thousand dollars for the expenses of double tracking the Troy and Greenfield Railroad, between the state line of Vermont and North Adams, the same to be in addition to the amount appropriated by chapter two hundred and ninety of the acts of the year eighteen hundred and seventy-nine. A sum not exceeding fifteen hundred dollars for the construction of a station at Blackington.

Double track
iron bridge at
Deweyville.
Telegraph.

Arch and ven-
tilating flues.

Track in
tunnel.

Steel rails.

Double track.

Blackington
station.

Land damages
at Greenfield.

SECTION 2. The governor and council are hereby directed to exhaust all legal remedies in an attempt to reduce the award for land damages at Greenfield to a sum which in their judgment shall be just and reasonable.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT TO REGULATE THE TRANSPORTATION OF GUNPOWDER
WITHIN AND THROUGH THE CITY OF CHELSEA.

Chap. 244

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Chelsea is hereby authorized to make and establish by-laws and ordinances, from time to time, relative to the times and places at which gunpowder may be brought to, carried from or transported through said city by land or by water, and to annex to such by-laws and ordinances suitable penalties not exceeding twenty-five dollars for any one breach thereof: *provided*, that this act shall not apply to the

Transportation
of gunpowder
in the city of
Chelsea.

transportation of gunpowder under the authority and direction of the Commonwealth or of the United States.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1880.

Chap. 245

AN ACT TO INCORPORATE THE CAPE COD CANAL COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Henry M. Whitney, Hocum Hosford, George M. Barnard, Alfred A. Nickerson, G. T. W. Bra-

Name.

man, Henry F. Dimock, William C. Whitney and Charles T. Barney, their associates and successors, are hereby made a corporation by the name of the Cape Cod Canal Company, with all the privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to railway corporations, so far as they may be applicable, except as hereinafter provided.

Duties and liabilities.

May construct and maintain a ship canal.

SECTION 2. Said corporation may locate, construct, maintain and operate a ship canal, beginning at some convenient point in Buzzard's Bay, and running through the town of Sandwich to some convenient point in Barnstable Bay; together with all such breakwaters, wharves, basins, docks, locks, gates and other structures and works as may be necessary for the convenient using of said canal; together with the highways provided for by this act; and in connection therewith, may maintain and operate steam tugs, or use any other suitable means or methods for assisting vessels in their approach to and passage through and from the canal.

Not exceeding one thousand feet wide.

Location to be filed with county commissioners.

SECTION 3. Said corporation may lay out its canal, not exceeding one thousand feet wide, and shall file the location thereof within one year with the county commissioners of Barnstable County, defining the courses, distances and boundaries thereof, in the manner provided by chapter one hundred and thirty-five of the acts of eighteen hundred and seventy-eight, for filing railroad locations; and said canal shall be commenced within two years, and shall be completed within five years from the passage of this act.

May purchase or take land.

SECTION 4. Said corporation may purchase or otherwise take land or materials necessary for making or securing its canal, and for breakwaters, basins, docks, wharves, locks, gates, highways or other structures and works referred to in section two. If not able to obtain such land or materials by agreement with the owner, it shall pay

such damages therefor as the county commissioners estimate and determine.

SECTION 5. Said corporation shall pay all damages occasioned by laying out, and making and maintaining its canal, or by taking any land or materials, as provided in section four; and such damages shall, upon the application of either party, be estimated by the county commissioners in the manner provided in laying out highways; and the residence of one of said commissioners in the town of Sandwich shall not disqualify him from acting under the provisions of this act; and when it is intended to take land or materials, application shall be made before the actual taking or appropriation thereof.

Payment of damages.

SECTION 6. Either party if dissatisfied with the estimate made by the commissioners, may at any time within one year after it is completed and returned, apply for a jury to assess the damages. Upon such application, the prevailing party shall recover legal costs, and the proceedings thereon shall be the same as is provided for the recovery of damages in the laying out of highways.

Party dissatisfied with award may apply for a jury.

SECTION 7. The provisions relating to railways, contained in chapter three hundred and seventy-two, sections fifty-eight to sixty, sixty-three to seventy-two, seventy-four to eighty-four, inclusive, and section one hundred and four, of the acts of eighteen hundred and seventy-four, shall also extend to said corporation, so far as applicable.

Provisions relating to railways to apply.

SECTION 8. It shall be the duty of the Old Colony Railroad Company so to alter its location as to cross the said canal but once, which crossing, and the location of the canal company at the crossing, shall be at a point to be fixed by the railroad commissioners in case the railroad company and canal company do not agree upon the same, which they are hereby authorized to do; and in making said alteration they shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws relating to railroads. And the Cape Cod Canal Company shall thereupon proceed to build the railroad upon the new location, and complete the same in such manner and at such time as may be prescribed by the railroad commissioners, and to their satisfaction, in case the parties do not agree upon the same; and shall pay all damages caused by the construction of said railroad on such new location, and shall be liable for such damages as in case of the construction of railroads. And the Cape Cod Canal Company shall also build and maintain and keep in repair to the satisfaction

Old Colony Railroad to alter its location.

To cross canal but once.

Canal company to build railroad upon new location.

To build and maintain bridge across canal.

of the railroad commissioners, a bridge across said canal, suitable for the passing of the railroad, and also for the passing of the highway at the point fixed upon as above provided, which said bridge shall have a suitable draw for the passage of vessels; and said railroad company shall appoint a steady and discreet superintendent, and all necessary assistants for such drawbridge, who shall be paid a reasonable compensation by said canal company. Said superintendent shall be experienced in the management of vessels, and shall have full control and direction of the passing of vessels through the draw, and of trains over the bridge, and with said assistants shall be subject to such rules and regulations, not inconsistent with law, as said railroad and canal company shall from time to time prescribe for the operation of said bridge; but such rules and regulations shall be subject to approval and alteration by the railroad commissioners. And said superintendent and assistants shall be subject to removal by said railroad commissioners. And railroad passenger trains shall have precedence over vessels when there is occasion for such trains to pass said bridge; but freight trains shall not have such precedence unless the railroad commissioners shall so determine.

Railroad passenger trains to have precedence over vessels.

Location of railroad.

SECTION 9. The Old Colony Railroad Company shall have its location, not exceeding five rods in width, upon any land owned or located upon by said canal company, up to the said bridge, on each side thereof: *provided*, that all reasonable use of said location by the said canal company, for the purpose of operating their canal, and under the direction of the railroad commissioners, shall be permitted by the railroad company without payment of rent to the railroad company.

Materials left upon road to be given up, to be paid for by railroad.

SECTION 10. The Old Colony Railroad Company shall upon the completion and acceptance by the railroad commissioners of the newly constructed railroad and bridge as above provided, allow and pay to the Cape Cod Canal Company the value of such iron and other materials as may remain upon that portion of the line of said railroad which is to be given up; such value to be determined by the railroad commissioners in case the parties do not agree upon the same. And the said canal company shall thereafter take and own the land upon that portion of the line of the railroad which is to be given up.

Penalty for obstructing superintendent.

SECTION 11. Whoever obstructs the superintendent of the drawbridge, provided for in section eight, in the performance of his duties, shall pay a fine of not less than three nor more than fifty dollars.

SECTION 12. Whoever breaks, defaces or impairs said bridge, or any wharf or pier appurtenant thereto, or unnecessarily opens or obstructs the draw without the consent of the superintendent, or without such consent makes fast or moors any scow, raft or other vessel to said bridge within wake of the draw, shall pay a fine of not less than three nor more than fifty dollars.

Penalty for breaking bridge, or opening draw without consent.

SECTION 13. Whoever wilfully injures or damages said bridge, wharf or pier, or wilfully disturbs or hinders the superintendent in the discharge of his duties, shall forfeit for each offence a sum not exceeding one hundred dollars, and be further liable in damages to the Cape Cod Canal Company.

Penalty for injuring bridge or hindering superintendent.

SECTION 14. The provisions relating to drawbridges contained in sections one hundred and nine to one hundred and thirteen, inclusive, of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, shall extend to said bridge so far as applicable, except that the word "fifteen" in the tenth line of section one hundred and ten shall for the purpose of this act be erased and "five" substituted in its place. And the same penalties and forfeitures provided in section one hundred and fourteen of said statute shall also be in force, and may be recovered of the Old Colony Railroad Company, or any engineer, or any superintendent of said bridge, in like manner as therein provided for the violation of any of the provisions of sections one hundred and eleven, one hundred and twelve and one hundred and thirteen of said chapter three hundred and seventy-two, or of the rules and regulations provided for by section eight of this act.

Provisions relating to drawbridges to apply, except etc. 1874, 372, §§ 100-118.

Penalties.

SECTION 15. The said canal company shall provide and maintain at North Sandwich and at West Sandwich, at such point as may be designated by the railroad commissioners, a suitable ferry across their canal for passengers and teams, to be operated under rules to be established by the railroad commissioners.

Ferry to be maintained at North Sandwich and West Sandwich.

SECTION 16. The said canal company shall also construct such highways to connect with the bridge and ferries provided for in sections eight and fifteen of this act, and such other highways as may be necessary to replace the highways destroyed by the construction of said canal, as the county commissioners for the county of Barnstable shall prescribe, upon each side of said bridge and ferries. And after the completion of such highways and their acceptance by the said county commissioners, the said canal company shall not be responsible in any manner for the further maintenance of the same.

Highways to connect with bridge and ferries.

To provide for
continuance of
herring fishery.

SECTION 17. The said canal company shall also make such suitable provision for the continuance of the herring fishery in Monument River and Herring Pond as the commissioners on inland fisheries may prescribe; and in case of injury to any private fishery, shall pay to the owner thereof such damages as shall upon the application of either party be estimated by said commissioners, in a manner similar, so far as may be, to that provided in laying out highways; and with a similar right of appeal to a jury, by proceedings like those provided for in section six of this act.

Toll upon
vessels may be
established.

SECTION 18. The said canal company may establish for its sole benefit a toll upon all vessels or water craft, of whatever description, which may use its canal, at such rates as the directors thereof may determine; and may from time to time regulate such use in all respects as the directors may determine. Said corporation shall also furnish towage through said canal for all vessels or water craft which require it; for which service it may establish for its sole benefit a toll, at such rates as the directors thereof may determine.

Penalty for
evading pay-
ment of toll.

SECTION 19. Whoever fraudulently evades or attempts to evade the payment of any toll, lawfully established under section eighteen of this act, either by misrepresenting the register or draught of any vessel, or otherwise, shall pay a fine of not less than fifty nor more than five hundred dollars.

Penalty for
obstructing
passing of ves-
sel in canal.

SECTION 20. Whoever wilfully and maliciously obstructs the passing of any vessel or steam tug, or other water craft in said canal, or in any way injures said canal, or its banks, breakwaters, docks, wharves, locks, gates or other structures or works, or any thing appertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall forfeit to the use of the corporation, for each offence, treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort in the name of the corporation; and may further be punished by fine not exceeding one thousand dollars, or imprisonment for a term not exceeding one year.

Capital stock
and shares.

SECTION 21. The capital stock of said canal company shall be divided into shares of one hundred dollars each; and the amount of capital stock may be fixed from time to time, by vote of the corporation, not however to exceed four millions of dollars. Said canal company shall not locate, begin to construct said canal, drawbridge or

any of the roads provided for in this act, until after five hundred thousand dollars of its capital stock has been actually subscribed in good faith by responsible parties, without any condition which invalidates the subscription, and two hundred thousand dollars of said subscription has actually been paid into its treasury, nor until a certificate setting forth these facts, signed and sworn to by its president and a majority of its directors, is filed with the secretary of the Commonwealth, to whom fifty dollars shall then be paid.

SECTION 22. Said canal company may, upon being authorized by a majority of the votes at any regular meeting of its stockholders or at a meeting called for the purpose, issue bonds and may secure the same by a mortgage of its franchise, and its real and personal property, then owned or thereafter to be acquired, or any part thereof. And every such mortgage shall be recorded in the registry of deeds for the county of Barnstable. And in case any such mortgage is executed to trustees, then all bonds secured thereby shall also bear the certificate of one or more of the trustees, that the same are so secured, and that the mortgage has been delivered to the trustees and duly recorded. And all the provisions contained in sections one hundred and twenty-four to one hundred and twenty-eight inclusive, of chapter sixty-three of the General Statutes, shall extend to such mortgage, so far as applicable.

May issue bonds and secure by mortgage of franchise, etc.

SECTION 23. Said corporation shall not be required to pay any taxes to the Commonwealth, until the canal shall have been opened for use for two years. And nothing herein contained shall have the effect to render said corporation, or the shareholders therein, liable to local taxation for their property or shares in said corporation, until the canal shall have been opened for use for two years.

Not to be taxed until canal has been opened for use for two years.

SECTION 24. Any railroad corporation, organized under the laws of this Commonwealth, may, upon a vote of a majority of its stockholders present and voting at any meeting called for that purpose, subscribe for the stock or bonds of said canal company, and pay for the same a sum not exceeding five per cent. of the capital stock of such railroad company, or may guarantee the payment of the bonds of said canal company, to an amount not exceeding five per cent. of the capital stock of such railroad company.

Railroad corporations may take stock and bonds of canal company.

SECTION 25. All things done under this act below high water mark shall be subject to the determination and

All things done below high-water mark

subject to
approval of
land and harbor
commissioners.

To take effect
Nov. 1, 1880,
unless before
that day the
Cape Cod Ship
Canal Company
has paid in
\$400,000.

If expenditure
has been made,
this act to be
void.

Commissioners
to determine
questions
arising concern-
ing payments or
expenditures.

approval of the harbor and land commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

SECTION 26. This act shall take effect on the first day of November, eighteen hundred and eighty, unless prior to that day the Cape Cod Ship Canal Company, in good faith, for the purposes of constructing the canal herein-after mentioned, shall have had paid into its treasury four hundred thousand dollars of its capital; and shall, after the passage of this act, and prior to said first day of November, have actually expended (exclusive of the pay and salaries of its officers, money expended, or liabilities incurred in the purchase or taking of land, or in the purchase of tools and machinery) one hundred thousand dollars for work actually performed or materials used in good faith and at reasonable prices upon a canal within the location, as provided by law from Barnstable Bay to Buzzard's Bay through the town of Sandwich; and, if said expenditure shall then have been made, this act shall be void and of no effect. But if the said Cape Cod Ship Canal Company shall not have had paid in said four hundred thousand dollars, and have actually expended one hundred thousand dollars, as herein provided, prior to the first day of November, eighteen hundred and eighty, then its franchise shall thereupon cease and determine, together with all the right on its part to construct a canal across Cape Cod from Barnstable Bay to Buzzard's Bay; and all lands and interest in lands acquired, materials used and work done by it, or for it, shall, without compensation, be forfeited to, and become the property of, the Cape Cod Canal Company, if it elects to build a canal as herein provided; except, that said Cape Cod Canal Company, in that event, shall reimburse said Cape Cod Ship Canal Company for all money it shall have actually expended in the purchase of land, and shall assume and discharge all the liabilities of said Cape Cod Ship Canal Company for land taken and not paid for. If any question arise between said companies as to whether said four hundred thousand dollars shall have actually been paid into the treasury of the Cape Cod Ship Canal Company, or said one hundred thousand dollars shall have been expended by it as herein provided, a board of three commissioners, to be appointed by the supreme judicial court sitting in and for the county of Suffolk, shall summarily inquire into the matter, upon the written request of either of said companies, and the

finding of said commissioners, or a majority of them when filed with the clerk of said court shall be final and conclusive, and the burden of proving that said sums have been paid in and expended as herein provided shall be upon the Cape Cod Ship Canal Company. If either company fails to appear before said commissioners, after due notice, the commissioners shall proceed to hear and determine the matter.

Approved April 24, 1880.

AN ACT CONCERNING THE ESTATES OF INSOLVENT DEBTORS.

Be it enacted, &c., as follows:

SECTION 1. Section two of chapter two hundred and forty-five of the acts of the year eighteen hundred and seventy-nine is hereby amended by inserting before the words "notary public," the words "justice of the peace."

Proof of claim.
Oath before a
justice of the
peace.
1879, 245.

SECTION 2. Section seven of said chapter is hereby amended by adding after the words "fee for issuing the warrant" in the twentieth line, the following: — "nothing herein contained shall prevent a hearing being had upon the petition, or a warrant being issued thereon prior to the completion of the publication of said notice."

Not to prevent
hearing upon
petition, etc.

SECTION 3. Section eight of said chapter is hereby amended by striking out the following words: — "all moneys so deposited to secure the payment of fees shall be applied by the register to the payment of fees accrued, and the expenses of publication, if any be incurred by him, on the days on which he is to pay over money in his hands to the treasurer of the Commonwealth," and inserting in place thereof the following: — "upon the days on which the register is to pay over money in his hands to the treasurer of the Commonwealth, he shall apply all money so deposited as security, to the payment of fees accrued, and the expenses of publication, if any be incurred by him, in all cases then terminated, and at least as often as once a year in each case, until terminated."

Deposit for
payment of
fees.

SECTION 4. Section eighty-four of chapter one hundred and eighteen of the General Statutes is hereby amended by striking out the words "twelve months," in the fifth line, and inserting in place thereof the words "two years;" and by inserting between the words "assent" and "of" in the sixth line, the words "of a majority, and in case of his second insolvency;" and by inserting after the word "mistake," in the tenth line, the words "or other sufficient cause;" and by inserting after the word "sickness" in the eleventh line, the words "accident or mistake."

Amendment to
G. S. 118, § 84.

Chap. 246

Amendment to
G. S. 118, § 103.

SECTION 5. Section one hundred and three of said chapter one hundred and eighteen, is hereby amended by inserting between the words "or upwards," in the sixth line, and the words "or if," in the eleventh line, being in the place of the clause stricken out by section seven of said chapter two hundred and forty-five, the following:—
"Or if any person whose goods or estate are attached on mesne process in any civil action founded on such contract, for the sum of one hundred dollars or upwards, has not before the return day of such process dissolved the attachment in the manner provided by law."

Amendment to
G. S. 118, § 105.

SECTION 6. Section one hundred and five of said chapter one hundred and eighteen is hereby amended by inserting between the word "mistake," and the words "has failed," in the first line, the words "or other sufficient cause."

Assignment not
to dissolve
attachment, etc.
G. S. 118, § 44.

SECTION 7. The assignment named in section forty-four of said chapter one hundred and eighteen shall not dissolve an attachment on mesne process, made more than four months prior to the time of the first publication of the notice of issuing the warrant, in case of voluntary proceedings; and in case of involuntary proceedings such assignment shall not dissolve such an attachment made more than four months prior to the time of the first publication of the notice of the filing of the petition.

Amendment to
1875, 68.

SECTION 8. Chapter sixty-eight of the acts of the year eighteen hundred and seventy-five, is hereby amended as follows:— By inserting after the word "bankrupt," in section one, the words "or against whose estate a warrant in insolvency has already been or afterwards is issued;" and by inserting after the word "bankrupt," in section three, the words "or against whose estate a warrant in insolvency shall be issued;" also by adding at the end of each of said sections the words "or, the time of the first publication of the notice of issuing the warrant in insolvency, in case of voluntary proceedings; or, the time of the first publication of the notice of the filing of the petition in case of involuntary proceedings."

Person who has
proved claim
may be
examined under
oath.

SECTION 9. The judge of the court of insolvency may on the application of the assignee, or of any creditor, or of the insolvent debtor, examine upon oath any person who has made proof of a claim, and may summon any person to give evidence concerning such proof, and may alter or expunge such claim where the evidence shows that it is founded in whole or in part in fraud, illegality or mistake.

Claim may be
altered, etc.

Approved April 24, 1880.

AN ACT IN ADDITION TO CHAPTER TWO HUNDRED AND TWENTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY, ENTITLED "AN ACT RELATIVE TO THE PUNISHMENT FOR DRUNKENNESS."

Chap. 247

Be it enacted, &c., as follows :

SECTION 1. Section one of chapter two hundred and twenty-nine of the acts of the year eighteen hundred and seventy-nine is hereby amended by inserting in line three, after the word "been," the words, "in the next preceding twelve months twice;" also in the fifth line, by striking out the word "four" and inserting the word "twelve," and by adding at the end of the section the following words: "or by imprisonment in any other place now provided by law for common drunkards, for a term not exceeding one year, or by a fine not exceeding ten dollars."

Amendments to
1879, 229, § 1.

SECTION 2. The provisions of sections three and four of chapter two hundred and twenty-one of the acts of the current year shall apply in case of any female sentenced to imprisonment under this act, and the commissioners of prisons may grant to persons imprisoned in the Reformatory Prison for Women under this act the permits provided for in said section three, and may revoke the same as therein provided.

Provisions of
1880, 221, to
apply in case of
female sentenced
to imprisonment.

SECTION 3. This act shall take effect on the twenty-second day of May next.

Approved April 24, 1880.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

Chap. 248

Be it enacted, &c., as follows :

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

State tax of
\$1,500,000.

BARNSTABLE COUNTY.

Barnstable
County.

Barnstable.	Two thousand three hundred and forty dollars	\$2,340 00
Brewster . .	Six hundred and fifteen dollars . .	615 00
Chatham . .	Seven hundred and fifty dollars . .	750 00
Dennis . .	One thousand three hundred and eighty dollars	1,380 00
Eastham . .	One hundred and ninety-five dollars,	195 00

Barnstable
County.

BARNSTABLE COUNTY — CONCLUDED.

Falmouth . .	Two thousand and fifty-five dollars .	\$2,055 00
Harwich . .	Nine hundred and seventy-five dol- lars	975 00
Mashpee . .	Ninety dollars	90 00
Orleans . .	Four hundred and fifty dollars .	450 00
Provincetown .	One thousand six hundred and fifty dollars	1,650 00
Sandwich . .	One thousand two hundred and fif- teen dollars	1,215 00
Truro . .	Two hundred and seventy dollars .	270 00
Wellfleet . .	Eight hundred and ten dollars .	810 00
Yarmouth . .	One thousand two hundred and sixty dollars	1,260 00
		\$14,055 00

Berkshire
County.

BERKSHIRE COUNTY.

Adams . .	One thousand eight hundred and ninety dollars	\$1,890 00
Alford . .	Two hundred and forty dollars .	240 00
Becket . .	Four hundred and twenty dollars .	420 00
Cheshire . .	Nine hundred and fifteen dollars .	915 00
Clarksburg .	Two hundred and twenty-five dollars,	225 00
Dalton . .	One thousand and ninety-five dollars,	1,095 00
Egremont . .	Five hundred and ten dollars . .	510 00
Florida . .	One hundred and eighty dollars .	180 00
Great Barrington,	Two thousand eight hundred and sixty-five dollars	2,865 00
Hancock . .	Three hundred and seventy-five dol- lars	375 00
Hinsdale . .	Seven hundred and twenty dollars .	720 00
Lanesborough .	Six hundred and sixty dollars . .	660 00
Lee . .	One thousand six hundred and eighty dollars	1,680 00
Lenox . .	One thousand two hundred dollars .	1,200 00

BERKSHIRE COUNTY—CONCLUDED.

Berkshire
County.

Monterey . . .	Two hundred and forty dollars . . .	\$240 00
Mt. Washington,	Seventy-five dollars	75 00
New Ashford . .	Seventy-five dollars	75 00
New Marlborough	Seven hundred and twenty dollars .	720 00
North Adams . .	Three thousand six hundred and forty-five dollars	3,645 00
Otis	Two hundred and forty dollars . .	240 00
Peru	One hundred and thirty-five dollars .	135 00
Pittsfield . . .	Seven thousand five hundred and ninety dollars	7,590 00
Richmond . . .	Four hundred and ninety-five dollars,	495 00
Sandisfield . . .	Three hundred and seventy-five dol- lars	375 00
Savoy	One hundred and ninety-five dollars,	195 00
Sheffield	One thousand and five dollars . . .	1,005 00
Stockbridge . . .	Two thousand three hundred and fifty-five dollars	2,355 00
Tyringham . . .	Two hundred and twenty-five dollars,	225 00
Washington . . .	Two hundred and ten dollars . . .	210 00
W. Stockbridge .	Seven hundred and fifty dollars . .	750 00
Williamstown . .	One thousand five hundred and sixty dollars	1,560 00
Windsor	One hundred and ninety-five dollars,	195 00
		\$33,060 00

BRISTOL COUNTY.

Bristol
County.

Acushnet	Five hundred and ten dollars . . .	\$510 00
Attleborough . .	Three thousand eight hundred and eighty-five dollars	3,885 00
Berkley	Two hundred and seventy dollars . .	270 00
Dartmouth	One thousand five hundred and sev- enty-five dollars	1,575 00
Dighton	Seven hundred and five dollars . . .	705 00

Bristol
County.

BRISTOL COUNTY—CONCLUDED.

Easton . .	Two thousand four hundred and ninety dollars	\$2,490 00
Fairhaven . .	One thousand three hundred and thirty-five dollars	1,335 00
Fall River . .	Forty thousand and sixty-five dollars,	40,065 00
Freetown . .	Six hundred and thirty dollars	630 00
Mansfield . .	One thousand and five dollars	1,005 00
New Bedford . .	Twenty-one thousand eight hundred and seventy dollars	21,870 00
Norton . .	Seven hundred and thirty-five dollars,	735 00
Raynham . .	One thousand and fifty dollars	1,050 00
Rehoboth . .	Six hundred and ninety dollars	690 00
Seekonk . .	Five hundred and twenty-five dollars,	525 00
Somerset . .	Nine hundred dollars	900 00
Swansey . .	Five hundred and eighty-five dollars,	585 00
Taunton . .	Fourteen thousand three hundred and fifty-five dollars	14,355 00
Westport . .	One thousand two hundred and thirty dollars	1,230 00
		<hr/> \$94,410 00

Dukes
County.

DUKES COUNTY.

Chilmark . .	Two hundred and fifty-five dollars	\$255 00
Edgartown . .	One thousand four hundred and fifty-five dollars	1,455 00
Gay Head . .	Fifteen dollars	15 00
Gosnold . .	One hundred and fifty dollars	150 00
Tisbury . .	Six hundred dollars	600 00
		<hr/> \$2,475 00

ESSEX COUNTY.

Essex
County.

Amesbury . .	One thousand five hundred and thirty dollars	\$1,530 00
Andover . .	Three thousand two hundred and twenty-five dollars	3,225 00
Beverly . .	Seven thousand one hundred and forty dollars	7,140 00
Boxford . .	Five hundred and ten dollars	510 00
Bradford . .	One thousand one hundred and seventy dollars	1,170 00
Danvers . .	Three thousand two hundred and ten dollars	3,210 00
Essex . .	Eight hundred and twenty-five dollars	825 00
Georgetown . .	Nine hundred dollars	900 00
Gloucester . .	Seven thousand five hundred dollars,	7,500 00
Groveland . .	Seven hundred and fifty dollars	750 00
Hamilton . .	Four hundred and fifty dollars	450 00
Haverhill . .	Nine thousand dollars	9,000 00
Ipswich . .	One thousand eight hundred and fifteen dollars	1,815 00
Lawrence . .	Eighteen thousand nine hundred and forty-five dollars	18,945 00
Lynn . .	Twenty-two thousand three hundred and eighty dollars	22,380 00
Lynnfield . .	Six hundred and seventy-five dollars,	675 00
Manchester . .	One thousand four hundred and seventy dollars	1,470 00
Marblehead . .	Three thousand five hundred and fifty-five dollars	3,555 00
Merrimac . .	Eight hundred and forty dollars	840 00
Methuen . .	Two thousand and ten dollars	2,010 00
Middleton . .	Four hundred and five dollars	405 00
Nahant . .	Six thousand two hundred and ten dollars	6,210 00
Newbury . .	Eight hundred and fifty-five dollars	855 00
Newburyport . .	Six thousand five hundred and fifty-five dollars	6,555 00
North Andover . .	One thousand eight hundred and sixty dollars	1,860 00
Peabody . .	Five thousand four hundred and seventy-five dollars	5,475 00

Essex
County.

ESSEX COUNTY — CONCLUDED.

Rockport . .	One thousand eight hundred and thirty dollars	\$1,830 00
Rowley . .	Four hundred and eighty dollars . .	480 00
Salem . .	Twenty-two thousand and thirty-five dollars	22,035 00
Salisbury . .	One thousand eight hundred and forty-five dollars	1,845 00
Saugus . .	One thousand five hundred and thirty dollars	1,530 00
Swampscott . .	Two thousand one hundred and forty-five dollars	2,145 00
Topsfield . .	Six hundred and forty-five dollars . .	645 00
Wenham . .	Four hundred and ninety-five dollars,	495 00
West Newbury . .	Nine hundred and thirty dollars . .	930 00
		<hr/> \$141,195 00

Franklin
County.

FRANKLIN COUNTY.

Ashfield . .	Four hundred and sixty-five dollars .	\$465 00
Bernardston . .	Three hundred and sixty dollars . .	360 00
Buckland . .	Five hundred and twenty-five dollars,	525 00
Charlemont . .	Three hundred and fifteen dollars . .	315 00
Colrain . .	Five hundred and eighty-five dollars,	585 00
Conway . .	Six hundred and ninety dollars . .	690 00
Deerfield . .	One thousand four hundred and twenty-five dollars	1,425 00
Erving . .	Three hundred dollars	300 00
Gill . .	Four hundred and five dollars . .	405 00
Greenfield . .	Two thousand six hundred and fifty-five dollars	2,655 00
Hawley . .	One hundred and fifty dollars . .	150 00
Heath . .	One hundred and sixty-five dollars .	165 00
Leverett . .	Two hundred and eighty-five dollars .	285 00
Leyden . .	One hundred and ninety-five dollars .	195 00

FRANKLIN COUNTY—CONCLUDED.

Franklin
County.

Monroe . . .	Forty-five dollars	\$45 00
Montague . .	One thousand seven hundred and twenty-five dollars	1,725 00
New Salem .	Two hundred and eighty-five dollars,	285 00
Northfield . .	Six hundred and forty-five dollars .	645 00
Orange . . .	One thousand three hundred and thirty-five dollars	1,335 00
Rowe	One hundred and fifty dollars . . .	150 00
Shelburne . .	Seven hundred and ninety-five dollars,	795 00
Shutesbury . .	One hundred and fifty dollars . . .	150 00
Sunderland . .	Four hundred and five dollars . . .	405 00
Warwick . . .	Two hundred and fifty-five dollars .	255 00
Wendell . . .	One hundred and fifty dollars . . .	150 00
Whately . . .	Six hundred and sixty dollars . . .	660 00
		<hr/> \$15,120 00

HAMPDEN COUNTY.

Hampden
County.

Agawam . . .	One thousand and sixty-five dollars .	\$1,065 00
Blandford . .	Three hundred and forty-five dollars,	845 00
Brimfield . .	Four hundred and ninety-five dollars,	495 00
Chester . . .	Four hundred and sixty-five dollars .	465 00
Chicopee . . .	Four thousand eight hundred and forty-five dollars	4,845 00
Granville . . .	Three hundred and sixty dollars . .	360 00
Holland . . .	One hundred and five dollars	105 00
Holyoke . . .	Eight thousand six hundred and forty dollars	8,640 00
Longmeadow .	One thousand one hundred and forty dollars	1,140 00
Ludlow . . .	Four hundred and sixty-five dollars .	465 00
Monson . . .	One thousand two hundred and fif- teen dollars	1,215 00
Montgomery .	One hundred and twenty dollars . . .	120 00

Hampden
County.

HAMPDEN COUNTY—CONCLUDED.

Palmer . .	One thousand five hundred and sixty dollars	\$1,560 00
Russell . .	Three hundred and forty-five dollars,	345 00
Southwick . .	Five hundred and twenty-five dollars,	525 00
Springfield . .	Thirty-three thousand and forty-five dollars	33,045 00
Tolland . .	One hundred and ninety-five dollars,	195 00
Wales . .	Three hundred and seventy-five dollars	375 00
Westfield . .	Five thousand nine hundred and fifty-five dollars	5,955 00
West Springfield, . .	Two thousand four hundred and ninety dollars	2,490 00
Wilbraham . .	Eight hundred and twenty-five dollars	825 00
		\$64,575 00

Hampshire
County.

HAMPSHIRE COUNTY.

Amherst . .	Two thousand one hundred and fifteen dollars	\$2,115 00
Belchertown . .	Nine hundred dollars	900 00
Chesterfield . .	Two hundred and seventy dollars	270 00
Cummington . .	Three hundred and sixty dollars	360 00
Easthampton . .	Two thousand one hundred and fifteen dollars	2,115 00
Enfield . .	Six hundred and thirty dollars	630 00
Goshen . .	One hundred and five dollars	105 00
Granby . .	Four hundred and thirty-five dollars,	435 00
Greenwich . .	Two hundred and fifty-five dollars	255 00
Hadley . .	One thousand two hundred and fifteen dollars	1,215 00
Hatfield . .	One thousand and sixty-five dollars	1,065 00
Huntington . .	Four hundred and thirty-five dollars,	435 00
Middlefield . .	Three hundred and fifteen dollars	315 00
Northampton . .	Six thousand three hundred and forty-five dollars	6,345 00

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
County.

Pelham . .	One hundred and fifty dollars . .	\$150 00
Plainfield . .	One hundred and ninety-five dollars,	195 00
Prescott . .	One hundred and sixty-five dollars .	165 00
South Hadley .	One thousand five hundred and sev- enty-five dollars	1,575 00
Southampton .	Four hundred and twenty dollars .	420 00
Ware	One thousand six hundred and five dollars	1,605 00
Westhampton .	Two hundred and forty dollars . .	240 00
Williamsburg .	One thousand one hundred and forty dollars	1,140 00
Worthington .	Three hundred dollars	300 00
		\$22,350 00

MIDDLESEX COUNTY.

Middlesex
County.

Acton	One thousand and eighty dollars .	\$1,080 00
Arlington . .	Five thousand and ten dollars . .	5,010 00
Ashby	Four hundred and fifty dollars . .	450 00
Ashland . . .	One thousand two hundred and fif- teen dollars	1,215 00
Ayer	Nine hundred and fifteen dollars .	915 00
Bedford . . .	Six hundred and fifteen dollars . .	615 00
Belmont . . .	Three thousand three hundred and sixty dollars	3,360 00
Billerica . . .	One thousand four hundred and twenty-five dollars	1,425 00
Boxborough .	Two hundred and twenty-five dollars,	225 00
Burlington . .	Four hundred and thirty-five dollars,	435 00
Cambridge . .	Fifty-two thousand one hundred and fifty-five dollars	52,155 00
Carlisle . . .	Three hundred and fifteen dollars .	315 00
Chelmsford . .	One thousand two hundred and forty-five dollars	1,245 00
Concord . . .	Two thousand five hundred and twenty dollars	2,520 00
Dracut	Eight hundred and forty dollars . .	840 00

Middlesex
County.

MIDDLESEX COUNTY — CONTINUED.

Dunstable . .	Two hundred and eighty-five dollars,	\$285 00
Everett . .	Three thousand four hundred and eighty dollars	3,480 00
Framingham . .	Three thousand nine hundred and fifteen dollars	3,915 00
Groton . .	One thousand eight hundred and thirty dollars	1,830 00
Holliston . .	One thousand five hundred and sixty dollars	1,560 00
Hopkinton . .	One thousand nine hundred and twenty dollars	1,920 00
Hudson . .	One thousand four hundred and twenty-five dollars	1,425 00
Lexington . .	Two thousand four hundred and forty-five dollars	2,445 00
Lincoln . .	Seven hundred and five dollars	705 00
Littleton . .	Six hundred and thirty dollars	630 00
Lowell . .	Thirty-one thousand six hundred and fifty dollars	31,650 00
Malden . .	Seven thousand eight hundred dollars	7,800 00
Marlborough . .	Two thousand eight hundred and twenty dollars	2,820 00
Maynard . .	One thousand and ninety-five dollars,	1,095 00
Medford . .	Seven thousand six hundred and ninety-five dollars	7,695 00
Melrose . .	Three thousand five hundred and seventy dollars	3,570 00
Natick . .	Three thousand one hundred and five dollars	3,105 00
Newton . .	Twenty-four thousand one hundred and twenty dollars	24,120 00
North Reading . .	Three hundred and seventy-five dollars	375 00
Pepperell . .	One thousand two hundred dollars	1,200 00
Reading . .	One thousand nine hundred and fifty dollars	1,950 00
Sherborn . .	Seven hundred and fifty dollars	750 00
Shirley . .	Seven hundred and ninety-five dollars	795 00
Somerville . .	Twenty-three thousand one hundred and sixty dollars	23,160 00
Stoneham . .	Two thousand five hundred and eighty dollars	2,580 00
Stow . .	Five hundred and eighty-five dollars,	585 00
Sudbury . .	Eight hundred and forty dollars	840 00

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
County.

Tewksbury .	Seven hundred and fifty dollars .	\$750 00
Townsend .	Six hundred and ninety dollars .	690 00
Tyngsborough .	Two hundred and fifty-five dollars .	255 00
Wakefield .	Three thousand eight hundred and ten dollars .	3,810 00
Waltham .	Eight thousand two hundred and five dollars .	8,205 00
Watertown .	Six thousand four hundred and twenty dollars .	6,420 00
Wayland .	Nine hundred and thirty dollars .	930 00
Westford .	Nine hundred and thirty dollars .	930 00
Weston .	One thousand three hundred and eighty dollars .	1,380 00
Wilmington .	Four hundred and fifty dollars .	450 00
Winchester .	Three thousand seven hundred and sixty-five dollars .	3,765 00
Woburn .	Seven thousand one hundred and twenty-five dollars .	7,125 00
		\$238,800 00

NANTUCKET COUNTY.

Nantucket
County.

Nantucket .	One thousand nine hundred and ninety-five dollars .	\$1,995 00
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NORFOLK COUNTY.

Norfolk
County.

Bellingham .	Four hundred and fifty dollars .	\$450 00
Braintree .	Two thousand two hundred and fifty dollars .	2,250 00
Brookline .	Twenty-three thousand seven hundred and fifteen dollars .	23,715 00
Canton .	Two thousand six hundred and ten dollars .	2,610 00
Cohasset .	One thousand nine hundred and twenty dollars .	1,920 00
Dedham .	Four thousand nine hundred and ninety-five dollars .	4,995 00
Dover .	Three hundred and sixty dollars .	360 00

Norfolk
County.

NORFOLK COUNTY—CONCLUDED.

Foxborough .	One thousand four hundred and fifty-five dollars	\$1,455 00
Franklin . .	One thousand two hundred and forty-five dollars	1,245 00
Holbrook . .	One thousand two hundred and ninety dollars	1,290 00
Hyde Park . .	Five thousand two hundred and thirty-five dollars	5,235 00
Medfield . .	Eight hundred and forty dollars	840 00
Medway . . .	One thousand five hundred and thirty dollars	1,530 00
Milton . . .	Six thousand four hundred and twenty dollars	6,420 00
Needham . .	Three thousand six hundred and sixty dollars	3,660 00
Norfolk . . .	Four hundred and sixty-five dollars	465 00
Norwood . . .	One thousand four hundred and ten dollars	1,410 00
Quincy . . .	Five thousand eight hundred and fifty dollars	5,850 00
Randolph . .	Two thousand and fifty-five dollars	2,055 00
Sharon . . .	Seven hundred and ninety-five dollars	795 00
Stoughton . .	Two thousand and eighty-five dollars,	2,085 00
Walpole . . .	One thousand two hundred and forty-five dollars	1,245 00
Weymouth . .	Five thousand and seventy dollars	5,070 00
Wrentham . .	Nine hundred and seventy-five dollars	975 00
		\$77,925 00

Plymouth
County.

PLYMOUTH COUNTY.

Abington . .	One thousand four hundred and ten dollars	\$1,410 00
Bridgewater .	Two thousand one hundred and forty-five dollars	2,145 00
Brockton . .	Four thousand six hundred and ninety-five dollars	4,695 00
Carver . . .	Four hundred and ninety-five dollars,	495 00
Duxbury . .	One thousand one hundred and twenty-five dollars	1,125 00

PLYMOUTH COUNTY — CONCLUDED.

Plymouth
County.

E. Bridgewater .	One thousand one hundred and fifty-five dollars	\$1,155 00
Halifax . . .	Two hundred and fifty-five dollars .	255 00
Hanover . . .	Eight hundred and twenty-five dollars	825 00
Hanson . . .	Four hundred and ninety-five dollars,	495 00
Hingham . . .	Two thousand nine hundred and twenty-five dollars	2,925 00
Hull	Four hundred and eighty dollars .	480 00
Kingston . . .	One thousand three hundred and ninety-five dollars	1,395 00
Lakeville . . .	Four hundred and eighty dollars .	480 00
Marion	Four hundred and five dollars . . .	405 00
Marshfield . .	Eight hundred and twenty-five dollars	825 00
Mattapoisett .	One thousand and twenty dollars .	1,020 00
Middleborough .	Two thousand one hundred and sixty dollars	2,160 00
Pembroke . . .	Six hundred dollars	600 00
Plymouth . . .	Three thousand seven hundred and twenty dollars	3,720 00
Plympton . . .	Two hundred and seventy dollars .	270 00
Rochester . . .	Four hundred and twenty dollars .	420 00
Rockland . . .	One thousand seven hundred and twenty-five dollars	1,725 00
Scituate	One thousand two hundred and fifteen dollars	1,215 00
South Abington .	One thousand one hundred and seventy dollars	1,170 00
South Scituate .	Nine hundred and thirty dollars .	930 00
Wareham	Nine hundred and seventy-five dollars	975 00
W. Bridgewater .	Seven hundred and eighty dollars .	780 00
		\$34,095 00

Suffolk
County.

SUFFOLK COUNTY.

Boston . .	Six hundred and nineteen thousand one hundred and ten dollars . .	\$619,110 00
Chelsea . .	Fourteen thousand seven hundred and thirty dollars . .	14,730 00
Revere . .	One thousand five hundred and sixty dollars . .	1,560 00
Winthrop . .	Eight hundred and forty dollars . .	840 00
		<hr/> \$636,240 00

Worcester
County.

WORCESTER COUNTY.

Ashburnham . .	Nine hundred and forty-five dollars, . .	\$945 00
Athol . .	Two thousand three hundred and fifty-five dollars . .	2,355 00
Auburn . .	Four hundred and ninety-five dollars, . .	495 00
Barre . .	One thousand five hundred and ninety dollars . .	1,590 00
Berlin . .	Four hundred and twenty dollars . .	420 00
Blackstone . .	One thousand seven hundred and eighty-five dollars . .	1,785 00
Bolton . .	Four hundred and sixty-five dollars . .	465 00
Boylston . .	Four hundred and eighty dollars . .	480 00
Brookfield . .	One thousand one hundred and eighty-five dollars . .	1,185 00
Charlton . .	Eight hundred and forty dollars . .	840 00
Clinton . .	Three thousand seven hundred and five dollars . .	3,705 00
Dana . .	Two hundred and fifty-five dollars . .	255 00
Douglas . .	Seven hundred and ninety-five dollars . .	795 00
Dudley . .	Eight hundred and eighty-five dollars, . .	885 00
Fitchburg . .	Ten thousand six hundred and thirty-five dollars . .	10,635 00
Gardner . .	One thousand seven hundred and seventy dollars . .	1,770 00
Grafton . .	One thousand six hundred and thirty-five dollars . .	1,635 00
Hardwick . .	Nine hundred and fifteen dollars . .	915 00
Harvard . .	Nine hundred and fifteen dollars . .	915 00

WORCESTER COUNTY — CONTINUED.

Worcester
County.

Holden . .	Eight hundred and twenty-five dollars	\$825 00
Hubbardston . .	Seven hundred and thirty-five dollars,	735 00
Lancaster . .	One thousand nine hundred and five dollars	1,905 00
Leicester . .	One thousand seven hundred and eighty-five dollars	1,785 00
Leominster . .	Three thousand two hundred and twenty-five dollars	3,225 00
Lunenburg . .	Six hundred and forty-five dollars . .	645 00
Mendon . .	Five hundred and fifty-five dollars . .	555 00
Milford . .	Four thousand two hundred and ninety dollars	4,290 00
Millbury . .	Two thousand two hundred and five dollars	2,205 00
New Braintree . .	Four hundred and five dollars	405 00
Northborough . .	One thousand and sixty-five dollars . .	1,065 00
Northbridge . .	One thousand eight hundred and seventy-five dollars	1,875 00
North Brookfield, . .	One thousand five hundred and sixty dollars	1,560 00
Oakham . .	Three hundred dollars	300 00
Oxford . .	One thousand two hundred and ninety dollars	1,290 00
Paxton . .	Two hundred and seventy dollars . .	270 00
Petersham . .	Five hundred and eighty-five dollars,	585 00
Phillipston . .	Two hundred and seventy dollars . .	270 00
Princeton . .	Seven hundred and sixty-five dollars,	765 00
Royalston . .	Six hundred and thirty dollars . .	630 00
Rutland . .	Three hundred and ninety dollars . .	390 00
Shrewsbury . .	Nine hundred and forty-five dollars . .	945 00
Southborough . .	One thousand one hundred and fifty-five dollars	1,155 00
Southbridge . .	Two thousand six hundred and twenty-five dollars	2,625 00
Spencer . .	Two thousand three hundred and ten dollars	2,310 00
Sterling . .	Nine hundred and sixty dollars . .	960 00
Sturbridge . .	Nine hundred and sixty dollars . .	960 00

Worcester
County.

WORCESTER COUNTY — CONCLUDED.

Sutton . . .	One thousand two hundred and thirty dollars	\$1,230 00
Templeton . . .	One thousand one hundred and ten dollars	1,110 00
Upton . . .	Seven hundred and thirty-five dollars,	735 00
Uxbridge . . .	One thousand five hundred and thirty dollars	1,530 00
Warren . . .	One thousand three hundred and five dollars	1,305 00
Webster . . .	Two thousand one hundred dollars	2,100 00
Westborough . . .	Two thousand and twenty-five dollars	2,025 00
West Boylston . . .	Nine hundred and ninety dollars	990 00
West Brookfield . . .	Seven hundred and twenty dollars	720 00
Westminster . . .	Seven hundred and thirty-five dollars	735 00
Winchendon . . .	One thousand eight hundred and sixty dollars	1,860 00
Worcester . . .	Forty-two thousand seven hundred and sixty-five dollars	42,765 00
		\$123,705 00

Recapitulation
by counties.

RECAPITULATION.

Barnstable Co. . .	Fourteen thousand and fifty-five dollars	\$14,055 00
Berkshire Co. . .	Thirty-three thousand and sixty dollars	33,060 00
Bristol Co. . .	Ninety-four thousand four hundred and ten dollars	94,410 00
Dukes Co. . .	Two thousand four hundred and seventy-five dollars	2,475 00
Essex Co. . .	One hundred and forty-one thousand one hundred and ninety-five dollars,	141,195 00
Franklin Co. . .	Fifteen thousand one hundred and twenty dollars	15,120 00
Hampden Co. . .	Sixty-four thousand five hundred and seventy-five dollars	64,575 00
Hampshire Co. . .	Twenty-two thousand three hundred and fifty dollars	22,350 00
Middlesex Co. . .	Two hundred and thirty-eight thousand eight hundred dollars	238,800 00
Nantucket Co. . .	One thousand nine hundred and ninety-five dollars	1,995 00
Norfolk Co. . .	Seventy-seven thousand nine hundred and twenty-five dollars	77,925 00

RECAPITULATION—CONCLUDED.

		Amount
Plymouth Co. .	Thirty-four thousand and ninety-five dollars .	\$34,095 00
Suffolk Co. .	Six hundred and thirty-six thousand two hundred and forty dollars .	636,240 00
Worcester Co. .	One hundred and twenty-three thousand seven hundred and five dollars,	123,705 00
		<u>\$1,500,000 00</u>

SECTION 2. The treasurer shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

Treasurer of the Commonwealth to issue warrants.

SECTION 3. The treasurer in his warrant shall require the said selectmen or assessors to pay, or to issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year one thousand eight hundred and eighty, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October next.

To require selectmen or assessors to issue warrants to city or town treasurers.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dated on and after the tenth day of December next; and if the same remains unpaid after the first of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue

To notify the treasurers of cities and towns, delinquent.

against such city or town to enforce the payment of said taxes, under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved April 24, 1880.

Chap. 249 AN ACT IN RELATION TO CONVICTIONS FOR VIOLATIONS OF LAWS
RELATING TO THE SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows :

Licensing board
to be notified of
conviction of
person licensed.

Whenever any person holding a license for the sale of intoxicating liquors is convicted of the violation of any law relating to the business he is licensed to pursue, the clerk of the court in which such conviction was had, (or the justice of any court not having a clerk), shall send a certificate under seal, showing the time and place of such conviction, to the board which issued the license.

Approved April 24, 1880.

Chap. 250 AN ACT CONCERNING THE COMMITMENT AND TRANSFER OF LUNATICS.

Be it enacted, &c., as follows :

Commitment of
lunatics to in-
sane asylums.

SECTION 1. Whenever an application for the commitment of an alleged lunatic or insane person to any lunatic hospital or asylum shall be made, accompanied with the statement of the applicant required by law, the judge or justice having jurisdiction in the premises may thereupon, and after hearing such other evidence as he may deem proper, issue a warrant for the apprehension and bringing before him of the alleged lunatic or insane person, if, in the judgment of such judge or justice, the condition or conduct of such person seems to render it necessary or proper to do so for the safety of such person, or for due examination and hearing in the premises. Such warrant may be directed to and be served by a private person named in said warrant, as well as a qualified officer; and pending examination and hearing such order may be made concerning the care, custody or confinement of such alleged lunatic or insane person as the judge or justice shall see fit.

Judge to keep
docket of causes
relating to
lunatics.

SECTION 2. Each judge or justice shall keep a docket or record of the causes relating to lunatics, or insane persons coming before him, numbered or otherwise properly designated, and their disposition. He shall also receive

and keep on his file the original application, statement of applicant, and certificate of physicians; also the copy of the order of commitment, attested by and with the return thereon of the officer or other person serving the same.

SECTION 3. The fees of the judge or justice shall be as follows: for hearing and determining the application, and filing papers, in cases where the alleged lunatic is brought before him, three dollars. In cases where he is required to go from his office or place of business to see and examine the alleged lunatic, the judge or justice shall be allowed an additional fee of one dollar, and all necessary expenses of travel. In cases where more than one day is actually and necessarily occupied in a hearing, a fee of two dollars for each additional day shall be allowed; where the commitment is made to a state lunatic hospital, the fees shall be paid by the county of which the alleged lunatic is an inhabitant; and where the commitment or removal is to any other lunatic hospital, asylum or receptacle for the insane, such fees shall be paid by the applicant for the commitment or removal, or by some one in his behalf. The accounts for fees payable by any county as above provided, shall be presented as often as once in a year to the county commissioners, who shall examine and audit the same, and they shall then be paid by the county treasurer. In cases which have arisen since the passage of chapter one hundred and ninety-five of the acts of the year eighteen hundred and seventy-nine, and before the passage of this act, such judges or justices shall be entitled to charge the same fees as are above provided, to be collected by them from the same source as if this act had been a part of the said chapter. The fees for officers serving processes in matters to which this act relates, shall be the same as now allowed by law in like cases, the accounts therefor to be certified by the judge or justice, and paid in the same manner as provided herein for the judges.

Fees of judge.

Fees payable by county, to be presented as often as once a year.

Fees for officers.

Inmate of state workhouse may be transferred to hospital.

Proviso.

SECTION 4. The board of health, lunacy and charity shall have full power to transfer and commit to either of the state lunatic hospitals, or to the asylum for the chronic insane at Worcester, any inmate of the state almshouse or the state workhouse, when the condition of said inmate requires such transfer: *provided*, that no such transfer shall be made except upon the certificate of two physicians, one of whom shall have no connection with any hospital or asylum for the insane, to the insanity of

such inmate. Upon application of the director, manager or trustees of any private asylum for the insane, said board shall have the same power of transfer concerning the inmates of such asylums that it has concerning the inmates of the state lunatic hospitals; *provided*, the legal guardian of such patient shall consent to the transfer.

Experts to examine convicts in state and reformatory prisons.

SECTION 5. The state board of health, lunacy and charity shall designate two persons, expert in cases of insanity, to examine convicts in the state prison or reformatory prison for women, alleged to be insane. When any such convict appears to be insane, the warden or superintendent of the prison shall notify one of the persons designated by said board, as aforesaid, who shall, with the physician of such prison, examine the convict and report to the governor the results of their investigations. If upon such report the governor shall deem the convict to be insane, and that his removal is expedient, he shall issue his warrant directed to the warden or superintendent authorizing him to cause the convict to be removed to one of the state lunatic hospitals, there to be kept until in the judgment of the superintendent and trustees of the hospital to which he may be committed, the convict should be returned to prison. When the trustees and superintendent of the hospital shall have come to such judgment in the matter, the fact shall be certified upon the warrant of the governor, and notice shall be given to the warden or superintendent of the prison, who shall thereupon cause the convict to be reconveyed to the prison, there to remain pursuant to the original sentence, computing the time of his detention or confinement in the hospital as part of the term of his imprisonment. Any officer authorized to serve criminal process in this Commonwealth may execute any order for the removal of a convict to or from any prison under the provisions of this section. Sections one, two and three of chapter one hundred and eighty of the General Statutes, and section one of chapter eight of the acts of the year eighteen hundred and sixty-two, are hereby repealed. The person making an examination of a convict under the designation of said board, as aforesaid in this section, shall, if he is not a salaried officer of said board, receive for his services his actual travelling expenses and three dollars a day for each day so employed, which shall be paid from the annual appropriation of the prison in which the convict is examined.

Convict, if insane, may be removed by order of governor.

May be returned to prison.

SECTION 6. The provisions of chapter one hundred and ninety-five of the acts of the year eighteen hundred and seventy-nine shall not apply to cases of transfer or removal of lunatic prisoners under the order of the governor, in pursuance of section seven of chapter seventy-four of the General Statutes, and shall be applicable to cases of transfer or removal of lunatic convicts made in pursuance of chapter one hundred and eighty of the General Statutes.

Transfer and
removal of
lunatics.
1879, 195.

SECTION 7. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT TO PROVIDE FOR THE TRANSFER OF ACTIONS, SUITS AND PROCEEDINGS BROUGHT IN A WRONG COUNTY.

Chap. 251

Be it enacted, &c., as follows :

SECTION 1. When it shall appear that any action, suit or proceeding hereafter commenced in the supreme judicial court or in the superior court, has been brought in a wrong county, the court, on motion of either party, may order such action, suit or proceeding with all papers relating to the same, to be transferred to the proper county, and it shall thereupon be entered and prosecuted in the same court for that county, as if originally made returnable therein, and all prior proceedings otherwise regularly taken shall be valid after the change of venue. The court may allow such terms to the defendant in the action, suit or proceeding removed, as it may deem reasonable and just.

Transfer of
actions, etc.,
brought in the
wrong county.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT TO FACILITATE THE SALE AND USE OF THE COMMONWEALTH'S FLATS AT SOUTH BOSTON.

Chap. 252

Be it enacted, &c., as follows :

SECTION 1. Any railroad company hereafter organized for the purpose of connecting the lands known as the Commonwealth's flats at South Boston with any then existing railroads may, after obtaining the consent of the board of harbor and land commissioners, locate a junction railroad upon said lands upon the approval thereof by the governor and council, and upon such terms and conditions as they may prescribe. And any existing railroad company may, on like terms, locate and build a branch for the same purpose, which shall also be known as a junction railroad. Such junction railroad shall connect its tracks with one or more railroads within twenty miles of Boston; and shall

Junction rail-
road may be
built.

May connect
tracks with
roads within 20
miles of Boston.

charge for the use of its tracks to all railroads connecting therewith a rate which shall be equal and without discrimination as to each kind of service performed. And the railroads, with which said junction road shall so connect its tracks, may use the tracks of said junction road each with its own motive power, on terms and under regulations approved by the board of railroad commissioners.

Any railroad may construct branch to connect with junction road.

SECTION 2. Any railroad corporation, for the purpose of reaching said flats, may construct a branch from any point on its own road within twenty miles of Boston to the nearest point upon the location of said junction railroad where it can conveniently connect therewith, may enter upon the location of and may connect its tracks with the tracks of said junction road, and shall have, with said junction road, the rights of connecting railroads, and may use the tracks of said junction road with its own motive power, on terms and under regulations approved by the board of railroad commissioners.

Roads may connect with branches of other roads.

SECTION 3. Any railroad corporation for the purpose of reaching said flats may construct a branch from any point on its own road within twenty miles of Boston to the nearest point upon the location of any branch road, constructed as provided in section two, where it can conveniently connect therewith, may enter upon the location of and connect its tracks with said branch; and shall have, as to said branch and all branches intervening between it and said flats, and as to said junction railroad, all the powers granted to a branch railroad constructed under section two.

Junction road may enter upon tracks of any railroad for connecting with Commonwealth's flats.

Proviso.

SECTION 4. Any junction road authorized by section one may enter upon the location of and connect its tracks with those of any railroads for the purpose of connecting the same with the Commonwealth's flats, and enter upon and use the same, and have with said roads the power of connecting railroads: *provided*, that nothing in this act contained shall be construed to allow any road authorized by this act to use its own motive power on any railroad except the junction and branch roads herein authorized.

Lease, use or construction by any railroad corporation.

Repeal of 1875, 239, § 6.

SECTION 5. Any railroad corporation or corporations may make contracts for the construction, lease or use of the junction road and of the branches hereby authorized. Section six of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five is hereby repealed.

Littoral proprietors may recover damages.

SECTION 6. If any railroad, in pursuance of the authority granted by this act, shall cross any part of the waters

of Boston harbor, otherwise than by a pile bridge with a suitable draw, any littoral proprietor, except such as shall have released to the Commonwealth a right to fill and build structures and exclude water, who shall suffer any obstruction or interruption of his access to and from the sea by reason of the location of any railroad upon said flats of the Commonwealth, may recover of the corporation whose railroad shall be so located all damages occasioned by such location in the same manner and with the same rights as to security as are provided by law in respect to damages occasioned by laying out and maintaining railroads.

SECTION 7. The proceedings under this act including the location and construction of the road and branches hereby authorized, the fixing of the routes and the ascertainment and recovery of damages, shall be in conformity with and subject to the general railroad law, except as herein provided.

Location, etc., to be under general railroad law.

SECTION 8. No existing corporation and no corporation that may be hereafter organized for the purposes set forth in this act, nor any other parties, shall enter upon or locate a junction railroad upon said lands until they shall first obtain the consent of the board of harbor and land commissioners and also of the governor and council, and have agreed upon the amount to be paid for such location, and upon the terms of payment therefor, and also shall have agreed upon such other terms and conditions as may be prescribed as to such location.

Subject to consent of land and harbor commissioners and governor and council.

SECTION 9. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT TO FIX THE COMPENSATION OF THE SERGEANT-AT-ARMS AND OF THE CLERKS AND ASSISTANT CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 253

Be it enacted, &c., as follows:

SECTION 1. The salaries of the sergeant-at-arms and of the clerks of the senate and house of representatives, from and after the first day of January eighteen hundred and eighty, shall be two thousand five hundred dollars each per annum, and the salaries of the assistant clerks of the senate and house of representatives shall be nine hundred dollars each for the session.

Salaries established.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1880.

Chap. 254 AN ACT TO INCORPORATE THE OWNERS OF MEADOW LANDS LYING ON COW'S RIVER.

Be it enacted, &c., as follows :

Owners of meadow lands incorporated.	SECTION 1. The owners of the meadow lands lying on each side of Cow's River, in the town of Sandwich and county of Barnstable, included between the beach on the north and uplands on all other sides, except three hundred and forty feet of dike which makes a part of the eastern boundary, are hereby made a corporation by the name of the Spring Hill Cranberry Meadow Company, with power to drain, dike, flow and improve said meadows from time to time for the purpose of raising cranberries and for improving the grass thereon, with power to sue and be sued in its corporate name, and with all other powers and privileges and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.
Name and purpose.	
Powers and duties.	
Meeting of owners.	SECTION 2. Any justice of the peace, upon application in writing from ten or more of said owners, shall issue his warrant to one of the owners aforesaid, requiring him to notify and warn a meeting of said owners for the purposes to be expressed in said warrant, by posting copies of said warrant in at least two public places in said town of Sandwich, and by publishing the same once each week for three successive weeks in some newspaper published in said county of Barnstable, said posting and said publication to be at least fourteen days before said meeting; and said owners, when legally assembled as aforesaid, may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors and collector, who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead, which said officers may exercise the same power and authority in performing the duties of their appointment as town officers of the like description.
May choose certain officers.	
May remove obstructions in Cow's River.	SECTION 3. In addition to the powers already granted said corporation shall have power to remove grass, weeds and any other natural obstructions, and all illegal obstructions in said Cow's River and its tributary, whereby the drainage of their said meadow lands is obstructed or prevented, and to vote and raise moneys for said purposes, and for all other necessary expenses of said corporation; and all moneys which may be voted to be raised as aforesaid shall be assessed upon each proprietor in said meadows according to the number of acres owned by him, and
Moneys voted, to be assessed upon proprietors.	

the benefits likely to be received; and any owner who is aggrieved by the amount of the tax levied on his land may, at any time within thirty days after said assessment, appeal to the county commissioners for said county of Barnstable, who shall have power to reduce or increase the amount of said tax, and to make the same as said corporation should have made it under the provisions of this bill; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same, together with costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person, nor the sale of any property except said meadow lands. Said corporation shall be liable for all damages done by it to the lands of any person under authority of this act, and like proceedings shall be had for the determination and recovery thereof as in the case of laying out highways. The amount of damages so determined and all sums for which judgment may be recovered by any party against said corporation shall be assessed upon each proprietor and collected in the same manner as moneys voted to be raised for other purposes under this section: *provided*, that this act shall not take effect until the owners of three-quarters of all the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners that in their belief the owners of three-quarters of all said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary that such alleged acceptance has been so filed shall be *prima facie* evidence of such acceptance.

Land may be sold if assessment is not paid.

Liability for damages.

Subject to acceptance by three-quarters of owners.

Acceptance to be filed in office of secretary.

Approved April 24, 1880.

AN ACT TO INCORPORATE THE OWNERS OF MEADOW LANDS LYING ON MILES RIVER.

Chap. 255

Be it enacted, &c., as follows:

SECTION 1. The owners of the meadow lands lying on each side of Miles River, in the towns of Ipswich, Hamilton and Wenham in the county of Essex, are hereby made a corporation by the name of the Miles River Meadow Company, with power to drain and improve said meadows from time to time for the purpose of saving the grass growing thereon, and improving the quality thereof, with power to sue and be sued in its corporate name and

Owners of meadow lands incorporated.

Name and purpose.

Powers and duties.

with all other powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Meeting of owners.

SECTION 2. Any justice of the peace, upon application in writing from ten or more of said owners, shall issue his warrant to one of the owners aforesaid, requiring him to notify and warn a meeting of said owners, for the purposes to be expressed in said warrant, by posting copies of said warrant in at least two public places in each of said towns, seven days at least before the time of said meeting; and said owners when legally assembled as aforesaid, may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors, collector and surveyors, who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead, which said officers may exercise the same power and authority in performing the duties of their appointment as town officers of the like description.

May choose certain officers.

May remove obstructions in Miles River.

Moneys voted, to be assessed upon proprietors.

Land may be sold if assessments are not paid.

SECTION 3. In addition to the powers already granted, said corporation shall have power to remove grass, weeds and other natural obstructions and all illegal obstructions in said Miles River, whereby the drainage of their said meadow lands is obstructed or prevented, and to vote and raise moneys for said purposes, and for all other necessary expenses of said corporation; and all moneys which may be voted to be raised as aforesaid shall be assessed upon each proprietor in said meadows, according to the number of acres owned by him, and the benefit likely to be received; and any owner who is aggrieved by the amount of the tax levied on his land, may at any time within thirty days after said assessment appeal to the county commissioners for said county of Essex, who shall have power to reduce or increase the amount of said tax and to make the same as said corporation should have made it under the provisions of this bill; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same, together with costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person nor the sale of any property except said meadow lands. Said corporation shall be liable for all damages done by it to the

lands of any person under authority of this act, and like proceedings shall be had for the determination and recovery thereof as in the case of laying out highways. The amount of damages so determined, and all sums for which judgment may be recovered by any party against said corporation shall be assessed upon each proprietor and collected in the same manner as moneys voted to be raised for other purposes under this section: *provided*, that this act shall not take effect until the owners of three-quarters of all of the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners, that in their belief the owners of three-quarters of all of said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary that such alleged acceptance has been so filed shall be *prima facie* evidence of such acceptance.

Liability for damages.

Subject to acceptance by three-quarters of owners.

Acceptance to be filed in office of secretary.

Approved April 24, 1880.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE ENTITLED AN ACT TO PROVIDE FOR THE RECOVERY OF DAMAGES FOR INJURIES CAUSED BY THE USE OF INTOXICATING LIQUORS.

Chap. 256

Be it enacted, &c., as follows:

SECTION 1. No lessor of real estate occupied for the sale of intoxicating liquors shall be liable in damages under the provisions of chapter two hundred and ninety-seven of the acts of the year eighteen hundred and seventy-nine, if the occupant of said real estate holds a license for the sale of such liquors.

Lessor not liable in damages under 1879, 297, if occupant is licensed.

SECTION 2. So much of said chapter two hundred and ninety-seven as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 3. Section two of said chapter two hundred and ninety-seven is hereby repealed.

Repeal of 1879, 297, § 2.

Approved April 24, 1880.

AN ACT FOR THE PROTECTION OF THE PEOPLE OF THE COMMONWEALTH AGAINST TRAMPS.

Chap. 257

Be it enacted, &c., as follows:

SECTION 1. Any person convicted of being a tramp shall be imprisoned in the house of correction, or in the state workhouse at Bridgewater, for not less than six months nor more than two years, subject to the provisions of all existing laws establishing and regulating said institutions.

Tramps to be imprisoned not less than six months.

"Tramps."

SECTION 2. All persons who rove about from place to place, begging, or living without labor or visible means of support, shall be held to be tramps within the meaning of this act.

Any act of begging to be evidence.

SECTION 3. Any act of begging or vagrancy by any person having no known residence within this Commonwealth, shall be *prima facie* evidence that the person committing the same is a tramp within the meaning of this act.

Penalty for entering dwelling house without consent of owner.

SECTION 4. Any tramp who shall enter any dwelling house or other building without the consent of the owner or occupant thereof, or shall wilfully or maliciously threaten to injure or injure any person therein, or shall be found carrying any firearm or other dangerous weapon, or shall threaten to do any injury to any person, or to the real or personal estate of another, shall be punished by imprisonment in the house of correction not less than one nor more than five years, or in the state workhouse at Bridgewater not less than one nor more than three years; and municipal, district and police courts and trial justices shall have jurisdiction of all offences under this act.

May be arrested without warrant.

SECTION 5. Any sheriff, deputy sheriff, constable, or police officer or member of the district police, upon view of any offence described in this act, or information thereof, may, without warrant, arrest the offender, and make complaint against him before any court or magistrate having jurisdiction of the offence.

Special police to be appointed.

SECTION 6. Mayors of cities and selectmen of towns are empowered and required to appoint special police officers, whose duty it shall be to arrest and prosecute all tramps in their respective cities and towns; and it shall be the duty of the district police to make arrests and complaints for offences under the provisions of this act.

Not to apply to a female or minor under 17 years.

SECTION 7. This act shall not apply to any female or to any minor under the age of seventeen years, nor to any blind person, or to any one asking charity within the limits of his own city or town.

Escape from state workhouse.

SECTION 8. Any person sentenced to the state workhouse who shall escape or attempt to escape therefrom, or from the custody of the officer while being conveyed to said workhouse, may be pursued and reclaimed; and upon conviction thereof shall be punished by confinement for not more than six months in addition to his previous sentence.

SECTION 9. Upon the passage of this act the secretary of state shall cause printed copies of the same to be sent to the several city and town clerks, who shall cause them to be posted in at least six conspicuous places, three of which shall be in the public highway.

Copies of act to be sent to cities and towns, and there posted.

SECTION 10. Whoever wilfully destroys, mutilates, defaces, injures or removes any copy of this act, posted as required by section nine, shall be punished by imprisonment in the jail not exceeding thirty days, or by fine not exceeding twenty-five dollars.

Penalty for defacing copy of act.

SECTION 11. This act shall take effect May first, eighteen hundred and eighty.

Approved April 24, 1880.

AN ACT AMENDING THE GENERAL RAILROAD LAWS IN RELATION TO THE TRANSPORTATION OF MERCHANDISE.

Chap. 258

Be it enacted, &c., as follows :

Section one hundred and forty-one of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is amended by striking out the words "sixty days," and inserting instead thereof the words "one year."

Action for penalties under 1874, 372, §§ 38-141, may be brought within one year.

Approved April 24, 1880.

AN ACT CONCERNING THE ELECTION OF MODERATOR IN THE TOWN OF RICHMOND.

Chap. 259

Be it enacted, &c., as follows :

SECTION 1. The election of moderator made at the town meeting in the town of Richmond on the twelfth day of April in the current year so far as the same may appear illegal for the reason that the check list was not used in said election is hereby ratified and confirmed and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

Election of moderator confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT TO ENABLE THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY TO ACQUIRE TERMINAL FACILITIES FOR FREIGHT PURPOSES.

Chap. 260

Be it enacted, &c., as follows :

SECTION 1. The New York and New England Railroad Company may buy, as hereinafter provided, for depot and station purposes, shifting grounds, railroad yards, and for the erection of freight houses, warehouses and elevators, and for other like uses and buildings for railroad and ship-

May buy land for railroad and shipping terminal facilities.

ping terminal facilities, the following described parcels of land and flats, situated in that part of the city of Boston, called South Boston : —

Twenty five
acre lot.

\$1,000,000 to
be paid, in
instalments.

First. A parcel known as the twenty-five acre lot, bounded westerly, northerly, and north-easterly by Fort Point Channel and Boston Harbor, south-easterly by the parcel of land and flats known as the fifty acre lot, which the Boston and Albany Railroad Company heretofore contracted to purchase of the Commonwealth, and south-westerly by land of the Boston Wharf Company, subject to the right of the city of Boston to lay out Northern Avenue over said parcel as provided in an indenture of four parts between the Commonwealth, the Boston and Albany Railroad Company, the Boston Wharf Company, and the city of Boston, dated the twenty-fourth day of June, eighteen hundred and seventy-three. For this parcel said New York and New England Railroad Company shall pay the sum of one million of dollars as follows, namely : — twenty-five thousand dollars in cash on or before the first day of June, eighteen hundred and eighty, one hundred and seventy-five thousand dollars on or before the first day of May eighteen hundred and eighty-one, and the remaining eight hundred thousand dollars in ten years thereafter, with interest semi-annually at the rate of four per cent. per annum from the date of said payment of one hundred and seventy-five thousand dollars. And upon the payment of said sum of two hundred thousand dollars, said New York and New England Railroad Company shall have all the rights of the Commonwealth under said indenture to build Northern Avenue bridge and extend Northern Avenue to some existing street on the north-westerly side of Fort Point Channel, for and on account of said city, and to reimbursement therefor from said city, as provided in said indenture. Said railroad company shall also have authority to construct at its own cost, another dock on said parcel, similar in construction to that now on said parcel. Said railroad company shall also have authority to build, at its own cost, Northern Avenue bridge, in anticipation of action by the said city, subject, however, to all rights of said city under said indenture.

Parcel contain-
ing twelve acres.

Second. A parcel of land and flats containing twelve acres, more or less, and bounded north-easterly by Eastern Avenue, south-easterly by B. Street in said South Boston, southerly by land of Joseph W. Clark and land of said railroad company, and north-westerly by land of the Boston Wharf Company, subject to all rights which the

city of Boston or the Boston and Albany Railroad Company have or may have therein under any contracts heretofore made, upon the terms and conditions following, namely:—Said New York and New England Railroad Company shall pay for said parcel the sum of one hundred and eight thousand one hundred and sixty-five dollars into the treasury of the Commonwealth, of which twenty-one thousand six hundred and thirty-three dollars shall be paid on or before the first day of July next and the remaining eighty-six thousand five hundred and thirty-two dollars on or before the first day of July in the year eighteen hundred and ninety with interest thereon payable semi-annually at the rate of four per cent. per annum, and in the event that any portion of said parcel shall be held or acquired before the final payment herein provided by the Boston and Albany Railroad Company under any of the contracts aforesaid there shall be deducted from the purchase money then unpaid by the New York and New England Railroad Company under the provisions of this act an amount equal to twenty cents per square foot for the area so held or acquired. Within three years from the passage of this act said parcel of land shall be filled by said New York and New England Railroad Company to grade thirteen with material dredged from the harbor, and all dredging for such filling shall be to such depth and at such localities as shall be directed by the harbor and land commissioners.

\$108,165 to
be paid, in
instalments.

To be filled to
grade thirteen,
within three
years.

SECTION 2. Said New York and New England Railroad Company may, subject to said rights of the Boston and Albany Railroad Company and of the city of Boston, occupy and improve each of said tracts or parcels of land so long as all payments which shall become due upon such parcel under the provisions of this act shall be made as herein provided, and upon the payment of the whole of the purchase money for either of said parcels, with the interest thereon as the same shall become due as herein provided, the said New York and New England Railroad Company shall receive from the Commonwealth a deed of such parcel, subject to said rights of the Boston and Albany Railroad Company and of the city of Boston, executed and approved as provided by law for deeds of other lands of the Commonwealth.

Deed from the
Commonwealth
to be executed
upon com-
pletion of
payments.

SECTION 3. For the purpose of getting access to and utilizing either of the said parcels of land, the New York and New England Railroad Company is hereby authorized to locate, construct, maintain and operate railroad tracks

Railroad tracks
across Eastern
Avenue.

across Eastern Avenue in the city of Boston in such manner, whether at grade or otherwise, and under such regulations as the board of aldermen of the city of Boston and the railroad commissioners may prescribe and permit.

Junction railroad may use tracks of New York and New England Railroad, as the commissioners may permit.

SECTION 4. Any junction railroad built for the purpose of connecting the lands and flats of the Commonwealth at South Boston with any existing railroad and connecting its tracks with said New York and New England Railroad may use with its own motive power the tracks of said New York and New England Railroad for the purpose of transporting freight between said point of connection and said lands and flats, in such manner and upon such terms and conditions as the railroad commissioners may prescribe and permit: *provided, however*, that all trains while on the tracks of the New York and New England Railroad shall be subject to its control and direction, in such manner as shall be approved by said commissioners; and the charges of the New York and New England Railroad Company for transportation, and for terminal accommodations on freight going over said New York and New England Railroad to or from said junction railroad may be fixed by the railroad commissioners.

Freight charges may be fixed by the commissioners.

To give notice of acceptance, on or before June 1, 1880, and written agreement to take land to be delivered within thirty days thereafter.

SECTION 5. Said New York and New England Railroad Company shall acquire no rights under this act with regard to either of said parcels of land unless it shall give to the governor and council written notice of its acceptance of the same on or before the first day of June now next ensuing, specifying whether it accepts the same with regard to one or both of said parcels, and said New York and New England Railroad Company shall acquire no right unless within thirty days after such notice it shall also execute and deliver to the governor and council a written agreement satisfactory to them binding itself to take the parcel or parcels of land specified in said notice and to make the payments therefor and to do the filling thereon required by the terms of this act with regard thereto; nor until it shall have paid into the treasury of the Commonwealth in cash the first payment or payments on the parcel or parcels they may elect to purchase, according to the provisions of the first and second clauses of section one of this act.

SECTION 6. This act shall take effect upon its passage.

Approved April 24, 1880.

AN ACT TO AMEND CHAPTER SEVENTY-SEVEN OF THE ACTS OF THE
YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE RELATING TO
THE TROY AND GREENFIELD RAILROAD.

Chap. 261

Be it enacted, &c., as follows:

SECTION 1. The tolls fixed by the governor and council for the use of the Troy and Greenfield Railroad and Hoosac Tunnel, under the provisions of chapter seventy-seven of the acts of eighteen hundred and seventy-five, may be a proportionate part of the gross receipts of the railroad corporation using said railroad and tunnel; for the business done by them on said line or any part thereof.

Tolls may be proportionate part of gross receipts.

SECTION 2. The manager of the Troy and Greenfield Railroad, by direction of the governor and council, may contract with any railroad corporation or corporations for the operation of the Troy and Greenfield Railroad and Hoosac Tunnel by said corporation or corporations for a term not exceeding seven years: *provided*, that no more compensation therefor shall be allowed to such corporation or corporations than will in the judgment of the governor and council amount to the actual expense of operating the same by said corporation; *provided, however*, that no such contract shall be made which will preclude the use of said railroad and tunnel by other railroad corporations whose roads connect therewith, either directly or over intervening railroads, as provided in statutes eighteen hundred and seventy-five, chapter seventy-seven.

Manager may contract for operation of road for seven years.

Proviso.

SECTION 3. The manager of said railroad may, by direction of the governor and council, make contracts with connecting railroads for the purpose of constituting through lines, and in making such contracts may agree to accept a *pro rata* of the through rates upon freight and passengers, via such through lines, and may as above represent the Commonwealth on any committee for conducting the business of such lines.

May make contracts for constituting through lines.

SECTION 4. Nothing herein contained shall be so construed as to invalidate or annul any of the provisions of sections six or eight of said chapter seventy-seven of the acts of the year eighteen hundred and seventy-five.

Provisions of 1875, 77, §§ 6, 8, not invalidated.

Approved April 24, 1880.

Chap. 262 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit: —

Schools of Norfolk county.

In the resolve, chapter thirty-five, "providing for the printing of five thousand extra copies of the report of the examination of the schools of Norfolk county," the sum of eight hundred dollars.

State library.

In the resolve, chapter thirty-six, "to provide additional accommodations in the state library," the sum of four thousand dollars.

Contagious diseases among cattle.

In the resolve, chapter thirty-eight, "in favor of the commissioners on contagious diseases among cattle," the sum of two thousand dollars.

John M. Stebbins.

In the resolve, chapter thirty-nine, in favor of John M. Stebbins, receiver, the sum of five hundred dollars.

Support of prisoners transferred from reformatory prison.

In the act, chapter one hundred and fifty-six, to provide for the payment of the cost of supporting prisoners in certain cases, to carry out the provisions of section two of said act only, a sum not exceeding five hundred dollars.

State work-house.

In the resolve, chapter forty, in favor of the state work-house at Bridgewater, the sum of eight thousand five hundred dollars.

Report of health department.

In the resolve, chapter forty-one, relative to printing the supplementary report of the health department of the board of health, lunacy and charity, a sum not exceeding three thousand dollars.

Green Harbor Marsh.

In the resolve, chapter forty-two, providing for the expense of enforcing the provisions of law in relation to Green Harbor Marsh, in Marshfield, the sum of two thousand dollars.

Commissioners of savings banks.

In the act, chapter one hundred and sixty-one, entitled "An Act in addition to an act to provide for the auditing of the accounts of county officers," for extra clerical assistance in the office of the commissioners on savings banks, the sum of six hundred dollars, the same to be in addition to the amount heretofore appropriated.

State prison.

In the resolve, chapter forty-three, in favor of the state prison at Concord, the sum of two thousand eight hundred dollars.

In the resolve, chapter forty-four, providing for the pur-

chase of uniforms for the militia, the sum of one hundred and twelve thousand dollars.

Uniforms for militia.

In the resolve, chapter forty-six, providing for a consolidation and arrangement of the General Statutes of the Commonwealth, a sum not exceeding fifteen thousand dollars.

General Statutes.

In the resolve, chapter fifty-one, in favor of the town of Watertown, two thousand four hundred and seventy-two dollars.

Watertown.

In the resolve, chapter fifty-two, to provide additional safeguards against fire at the state lunatic hospital at Danvers, the sum of nine thousand dollars.

Lunatic hospital at Danvers.

In the resolve, chapter fifty-three, in relation to the repairs on the state house, the sum of eight thousand dollars.

Repairs on state house.

In the resolve, chapter fifty-four, in favor of George Ward, the sum of one hundred and twenty dollars.

George Ward.

The sum of two thousand dollars is hereby re-appropriated from the unexpended balance for the temporary support of paupers for the year eighteen hundred and seventy-nine, from which aid may be given by the state board of health, lunacy and charity in extraordinary cases of suffering where the provisions made by existing laws is in their judgment insufficient.

Temporary support of paupers.

For postage, printing and stationery of the executive department, a sum not exceeding eight hundred dollars.

Executive department.

For the expenses of the bureau of statistics on the subject of labor, a sum not exceeding six hundred dollars, to be in addition to the appropriation heretofore made for the present year.

Bureau of statistics on the subject of labor.

For repairs, improvements and furniture of the state house, for the further improvement in ventilation, a sum not exceeding one thousand three hundred dollars, to be in addition to the appropriation heretofore made for the present year.

Repairs, etc., of state house.

For the reimbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding twenty-seven thousand dollars, the same to be payable on or before the first day of December of the present year, to be in addition to the amount heretofore appropriated.

State and military aid.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding four thousand dollars, the same to be in addition to the amount heretofore appropriated.

Doorkeepers and messengers of senate and house.

From the appropriation for current expenses for the

State reform school.

state reform school at Westborough, there may be used, if in the judgment of the trustees of said institutions it be necessary, a sum not exceeding three thousand dollars, to make good any deficit in the current expenses of the state industrial school at Lancaster.

Tax commissioner.

For contingent expenses of the tax commissioner's department, the sum of six hundred dollars, to be in addition to the appropriation heretofore made for the present year.

Massachusetts infant asylum.

From the appropriation for the temporary support of state paupers for the present year, there be paid a sum not exceeding three thousand dollars, for the reimbursement of the Massachusetts infant asylum for the support of infants having no known settlement in the Commonwealth, to be in addition to the appropriation heretofore made for the present year, and if at any time it shall be found necessary, a sum not exceeding one thousand dollars may be advanced on account of the support and transportation of such infants and other state paupers: *provided*, a detailed report of such expenditure shall be rendered to the auditor of accounts whenever required.

Abatement of nuisance at old state prison.

For abating a nuisance in the vicinity of the old state prison at Charlestown, a sum not exceeding five hundred dollars, to be expended under the direction of the governor and council.

Purchase of real estate.

In the resolve, chapter fifty-five, relating to the purchase of real estate for the use of the Commonwealth, the sum of one hundred and twenty thousand dollars.

Weights, measures and balances.

For weights, measures and balances for sundry newly incorporated towns, a sum not exceeding one thousand two hundred dollars.

Eugene L. Norton.

In the resolve, chapter fifty-eight, in favor of the widow of Eugene L. Norton, the sum of five hundred dollars.

Messenger and assistant of executive department.

In the act, chapter two hundred and forty, fixing the compensation of the messenger and assistant messenger of the executive department, a sum not exceeding one hundred and fifty dollars, the same to be in addition to the amount heretofore appropriated.

Assistant inspector of gas meters.

For the salary of assistant inspector of gas meters, a sum not exceeding seven hundred and thirty-five dollars.

Travelling expenses.

For the travelling expenses of the inspector and assistant inspector of gas meters, a sum not exceeding five hundred dollars.

Apparatus.

For furnishing such additional apparatus as the inspector of gas meters may need, a sum not exceeding one hundred and fifty dollars.

Sergeant-at-

For the salaries of the sergeant-at-arms, clerks and as-

sistant clerks of the senate and house of representatives, a sum not exceeding one thousand seven hundred dollars, to be in addition to the amount heretofore appropriated for the present year.

arms and clerks
of senate and
house.

For building a new sidewalk at the state arsenal at Cambridge, a sum not exceeding six hundred dollars.

Arsenal at
Cambridge.

In the resolve, chapter fifty-nine, providing for a contribution to the cost of the national monument commemorative of the battle of Cowpens, the sum of two hundred and fifty dollars.

Monument.

In the resolve, chapter sixty, providing for an additional number of copies of the Blue Book for eighteen hundred and seventy-nine, a sum not exceeding seven hundred dollars.

Blue Book of
1870.

In the resolve, chapter sixty-four, in favor of the county of Middlesex, a sum not exceeding nine hundred and sixty-six dollars and nineteen cents.

County of
Middlesex.

In the resolve, chapter sixty-five, in favor of Emeline I. Smith, the sum of five thousand dollars.

Emeline I.
Smith.

In the resolves, chapters sixty-seven and sixty-eight, providing for an investigation of the claims of the eleventh and twelfth regiments of infantry, Massachusetts volunteers, a sum not exceeding five hundred dollars.

11th and 12th
regiments

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1880.

RESOLVES, GENERAL AND SPECIAL.

Chap. 1 **RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.**

Treasurer may borrow money in anticipation of revenue.

Resolved, That the treasurer and receiver-general be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve, as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury. *Approved January 28, 1880.*

Chap. 2 **RESOLVE CONFIRMING THE ACTS OF FRANK MORISON AS A JUSTICE OF THE PEACE.**

Acts done as justice of the peace, confirmed.

Resolved, That all acts done by Frank Morison as a justice of the peace, within and for the county of Suffolk, between the nineteenth day of April in the year eighteen hundred and seventy-nine and the twenty-second day of December in the year eighteen hundred and seventy-nine, are hereby made valid and confirmed to the same extent as if he had been during that time duly qualified to discharge the duties of said office.

Approved February 3, 1880.

Chap. 3 **RESOLVE CONCERNING THE REBUILDING OF WORKSHOPS AT THE NEW STATE PRISON.**

Workshops at state prison.

Resolved, That there be allowed and paid out of the treasury, and the same is hereby appropriated, a sum not exceeding thirteen thousand seven hundred and forty-four dollars and eighty-four cents, for expenses incurred in the rebuilding of workshops burned at the state prison.

Approved February 4, 1880.

RESOLVE TO PROVIDE FOR PRINTING EXTRA COPIES OF THE REPORT OF THE BOARD OF COMMISSIONERS OF PRISONS, FOR THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE.

Chap. 4

Resolved, That there be printed five hundred extra copies of the report of the board of commissioners of prisons, for the year eighteen hundred and seventy-nine, for the use of the board; also five hundred extra copies of so much of said report as refers to the state prison, for the use of the warden; also three hundred extra copies of so much of said report as refers to the reformatory prison for women, for the use of the superintendent thereof; also two hundred copies of so much of the report as includes the report of the agent for discharged convicts, for the use of said agent.

Extra copies of report to be printed.

Approved February 11, 1880.

RESOLVE IN FAVOR OF THE TOWN OF YARMOUTH.

Chap. 5

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirteen dollars, to the town of Yarmouth, to reimburse said town for the same amount wrongfully paid to the state for board of a minor of said town in the state reform school.

Town of Yarmouth.

Approved February 16, 1880.

RESOLVE RELATING TO CERTAIN REPAIRS AT THE STATE ALMSHOUSE AT TEWKSBURY.

Chap. 6

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of four thousand dollars, to be expended under the direction of the trustees and superintendent of the state alms house at Tewksbury, for expenses and repairs made necessary by the burning of one of the buildings belonging to said alms house on the nineteenth day of January in the year eighteen hundred and eighty.

Repairs at state alms house.

Approved February 16, 1880.

RESOLVE IN FAVOR OF THE STATE LIBRARY.

Chap. 7

Resolved, That a sum not exceeding one thousand dollars be allowed and paid out of the treasury to defray the expense of completing the series of American Law Reports in the state library; and that a further sum not exceeding five hundred dollars be allowed and paid for the preparation of manuscript indexes to the volumes containing the resolves of the general court covering the period from May seventeen hundred and eighty to May eighteen hundred and twelve; said sums to be expended under the direction of the trustees and of the librarian.

State library.

Approved February 18, 1880.

- Chap. 8** RESOLVE TO AMEND CHAPTER FIFTEEN OF THE RESOLVES OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE, AUTHORIZING THE PUBLICATION OF A LIST OF MASSACHUSETTS OFFICERS, SAILORS AND MARINES WHO SERVED IN THE NAVY IN THE LATE CIVIL WAR.

List of officers,
sailors and
marines.

Resolved, That the adjutant-general in preparing for publication a list of officers, sailors and marines, under chapter fifteen of the resolves of eighteen hundred and seventy-five, be directed to include therein the names and records of all persons who served in any capacity in the United States navy, in the late civil war, who had their residence in Massachusetts at the time of said service.

Approved February 18, 1880.

- Chap. 9** RESOLVE TO PROVIDE FOR REPRINTING CERTAIN DOCUMENTS DESTROYED BY FIRE.

Documents
destroyed by
fire, to be
reprinted.

Resolved, That there be reprinted five hundred copies of each of the documents, for the year eighteen hundred and seventy-nine, hereinafter named, for the purpose of enabling the secretary of the Commonwealth to complete the sets of public documents to be distributed under his direction, as provided by chapter two hundred and sixty-four of the acts of the year eighteen hundred and seventy-eight; viz., —

Of the report of the state librarian.

Of the report of the trustees of the state primary school at Monson.

Of the aggregates of polls, property and taxes.

Of the report of the trustees of the several state lunatic hospitals at Danvers, Northampton, Taunton and Worcester.

Of the report of the trustees of the state workhouse at Bridgewater.

Of the report of the trustees of the state almshouse at Tewksbury.

Of the report of the trustees of the Perkins institution and Massachusetts school for the blind.

Of the report of the Massachusetts school for idiotic and feeble-minded youth. *Approved February 18, 1880.*

- Chap. 10** RESOLVE PROVIDING FOR THE PURCHASE OF BLUE BOOKS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT AND THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE.

"Blue Books"
of 1878 and 1879,
to be purchased.

Resolved, That the secretary of the Commonwealth be and he hereby is authorized to purchase fifty copies of the Blue Book of the year eighteen hundred and seventy-

eight, and fifty copies of the Blue Book of the year eighteen hundred and seventy-nine.

Approved February 18, 1880.

RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF THE REPORT
OF THE STATE PRIMARY SCHOOL.

Chap. 11

Resolved, That there be printed five hundred extra copies of the report of the trustees of the state primary school for the year eighteen hundred and seventy-nine, for the use of the trustees of said school.

Extra copies
to be printed.

Approved February 18, 1880.

RESOLVE RELATING TO THE TENTH CENSUS OF THE UNITED
STATES.

Chap. 12

Resolved, That the chief of the bureau of statistics on the subject of labor be and he hereby is authorized to accept the appointment of supervisor, for this state, of the tenth census of the United States, and that in the prosecution of the duties pertaining to such supervisorship he may use the rooms of said bureau: *provided*, the provisions of this resolve shall in no way interfere with the proper work of said bureau.

Chief of bureau
of statistics,
etc., may be
appointed
supervisor of
United States
census.

Approved February 26, 1880.

RESOLVE IN FAVOR OF THE TOWN OF WARREN.

Chap. 13

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the town of Warren, the sum of fifty-five dollars and thirty-five cents, to reimburse said town for money wrongfully paid in support of a state pauper at the Worcester lunatic hospital.

Town of
Warren.

Approved March 5, 1880.

RESOLVE IN FAVOR OF JOHN DONELLY.

Chap. 14

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to John Donelly of Worcester, Massachusetts, the sum of thirty-six dollars, as state aid, payable on the first day of April in the year eighteen hundred and eighty. *Approved March 5, 1880.*

John Donelly.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT
FRAMINGHAM.

Chap. 15

Resolved, That there be allowed for the repair of the water supply tank of the state normal school at Framingham, to be expended under the direction of the board of education, a sum not exceeding two hundred and forty-six dollars, to be paid out of the moiety of the school fund devoted to general educational purposes.

State normal
school at
Framingham.

Approved March 5, 1880.

Chap. 16 RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Disabled
soldiers'
employment
bureau.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the disabled soldiers' employment bureau, the sum of three thousand dollars: *provided*, that there shall not be paid to the superintendent of said bureau, as a salary for the current year, a sum exceeding fifteen hundred dollars.

Approved March 5, 1880.

Chap. 17 RESOLVE IN FAVOR OF JOHN PETERS.

John Peters.

Resolved, That there be allowed and paid to John Peters, the sum of twenty-three dollars, for services rendered the state in repairs made on battery D., Massachusetts volunteer militia, during the year one thousand eight hundred and seventy-six; the same to be paid from the appropriation for the expenses of the bureau of the quartermaster-general for the present year.

Approved March 11, 1880.

Chap. 18 RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY.

State almshouse
at Tewksbury.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the board of trustees of the state almshouse at Tewksbury, the sum of eight thousand three hundred and seventy-five dollars, for the purpose of erecting and completing a new laundry, the character and location of which shall be approved by the board of health, lunacy and charity before any contracts or expenditures shall be made.

Approved March 11, 1880.

Chap. 19 RESOLVE IN FAVOR OF THE STATE PRISON AT CONCORD.

State prison at
Concord.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding ten thousand dollars, to be expended under the approval of the commissioners on prisons, for the following purposes at the state prison at Concord:—One thousand dollars for the construction of a house for the stable-man; the remainder, for the disposal of sewage matter, for blinds on the offices, and for repairing the dwelling houses of the Commonwealth at the prison; for the purchase of telephones or telegraphic apparatus, to connect other parts of the prison with the guard room; for concreting the walks and driveways; and for the purchase of such agricultural implements as may be necessary for the use of the prison.

Approved March 11, 1880.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY. *Chap. 20*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of nine thousand dollars, to the Massachusetts charitable eye and ear infirm-ary, to be expended under the direction of the managers thereof for the charitable purposes of said infirmary for the present year; and the said managers shall report to the state board of health, lunacy and charity, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven to report to the board of state charities.

Massachusetts
charitable eye
and ear
infirm-ary.

Approved March 11, 1880.

RESOLVE TO AUTHORIZE THE ISSUE OF ARMS AND EQUIPMENTS TO THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY. *Chap. 21*

Resolved, That the governor be and hereby is author-ized to issue to the president of the Massachusetts insti-tute of technology such arms and equipments, for the use of the students of said institute, as in his judgment may be so distributed without detriment to the militia service: *provided*, the president and treasurer of said Massachu-setts institute of technology shall give bond with suffi-cient sureties for the safe keeping and return of said arms and equipments in good order and condition, reasonable use excepted, whenever the governor shall so direct.

Massachusetts
institute of
technology, may
receive arms,
etc., from the
state.

Approved March 11, 1880.

RESOLVE RELATING TO THE PURCHASE OF AN ENGINE AND BOILER FOR THE STATE PRISON AT CONCORD. *Chap. 22*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding eight thousand dollars, for the purchase of an engine and boiler and for putting in foundation, for pipes and piping and for making the necessary connections, at the state prison at Concord; the same to be expended under the approval of the commissioners on prisons.

Engine and
boiler at state
prison.

Approved March 16, 1880.

RESOLVE PROVIDING FOR THE COLLECTION OF CERTAIN STATISTICS IN REGARD TO DRUNKENNESS AND LIQUOR SELLING. *Chap. 23*

Resolved, That the Massachusetts bureau of statistics of labor be instructed to collect and report to the next general court statistics in regard to drunkenness and liquor selling in the several cities and towns of this Common-wealth, from the year eighteen hundred and seventy to the

Statistics to be
collected in
regard to
drunkenness
and liquor
selling.

year eighteen hundred and seventy-nine inclusive, and tabulate the same, so far as practicable, under the following heads:—

1. The number of arrests for drunkenness.
2. The number of places where liquor was illegally sold.
3. The number of complaints entered in court for illegal sales of liquor.
4. The disposition of the several complaints.
5. The number of convictions for drunkenness.
6. The cities and towns in which licenses have been issued since the license law of the year eighteen hundred and seventy-five went into operation.
7. The number and class of licenses issued in the said cities and towns, with a statement showing the percentage of licensed places to population.
8. The amount of money collected for the licenses.
9. The cities and towns in which no licenses were granted.

Approved March 16, 1880.

Chap. 24 RESOLVE PROVIDING FOR THE PUBLICATION OF A NEW EDITION OF THE STATUTES RELATING TO PUBLIC SCHOOLS.

Statutes relating to public schools to be printed.

Resolved, That an amount not exceeding five hundred dollars of the unexpended balance of the appropriation made by chapter seventy-seven of the acts of the year eighteen hundred and seventy-nine, for teachers' institutes, be made applicable for the payment of the expenses of publication of three thousand copies of a new and revised edition of the General Statutes relating to public schools.

Approved March 17, 1880.

Chap. 25

RESOLVE IN FAVOR OF ANNIE JACKSON.

Annie Jackson.

Resolved, That during the period of five years from the first day of January in the year eighteen hundred and eighty, an annuity of one hundred dollars per annum, in semi-annual payments, shall be paid out of the treasury of the Commonwealth to Annie Jackson, of the city of Boston, for injuries received by her while in the employ of the Commonwealth at the Danvers lunatic hospital; the same to be in full compensation for said injuries.

Approved March 17, 1880.

Chap. 26

RESOLVE IN FAVOR OF PHILIP MACKEY.

Philip Mackey.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Philip Mackey, of

North Adams, the sum of fifty dollars, for injuries received in the Hoosac Tunnel while in the employment of the Commonwealth.

Approved March 17, 1880.

RESOLVE GRANTING COUNTY TAXES.

Chap. 27

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county, respectively, to be collected and applied according to law:—

County taxes granted.

Barnstable. Twenty-three thousand six hundred dollars.

Berkshire. Sixty-eight thousand dollars, provided that not less than ten thousand dollars thereof be applied to the reduction of the existing debt of said county.

Bristol. One hundred and twenty-two thousand five hundred dollars, provided that not less than ten thousand dollars thereof be applied to the reduction of the existing debt of said county.

Dukes. Seven thousand two hundred dollars, provided that not less than three thousand dollars thereof be applied to the reduction of the existing debt of said county.

Essex. One hundred and fifty-three thousand seven hundred dollars, provided that not less than sixteen thousand dollars thereof be applied to the reduction of the existing debt of said county.

Franklin. Twenty-eight thousand dollars, provided that not less than three thousand dollars thereof be applied to the reduction of the existing debt of said county.

Hampden. Seventy-seven thousand dollars.

Hampshire. Thirty-eight thousand dollars.

Middlesex. One hundred and twenty thousand dollars.

Norfolk. Sixty thousand dollars.

Plymouth. Forty-five thousand dollars.

Worcester. One hundred and twenty thousand dollars, provided that thirty thousand dollars thereof be applied to the payment of the existing debt of said county.

Approved March 17, 1880.

RESOLVE RELATIVE TO THE DISTRIBUTION OF CERTAIN DOCUMENTS.

Chap. 28

Resolved, That the copies of the reports which by section five of chapter two hundred and sixty-four of the acts of the year eighteen hundred and seventy-eight, belonging to the series of eighteen hundred and seventy-nine, were to be sold under the direction of the secretary of the Com-

Distribution of certain documents.

monwealth, be released from the conditions of sale provided in said act, and placed in the hands of the secretary of the Commonwealth for general distribution.

Approved March 17, 1880.

Chap. 29 RESOLVE RELATIVE TO A UNIFORM SYSTEM OF LAWS IN CERTAIN STATES REGULATING THE HOURS OF LABOR.

System of laws regulating hours of labor in neighboring states.

Resolved, That the bureau of statistics of labor is hereby directed to collect data and obtain testimony, from employers and employés in the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York, relative to a uniform system of laws to regulate the hours of labor in the states mentioned, and to present the results of its investigations to the legislature in its next annual report.

Approved March 17, 1880.

Chap. 30 RESOLVE IN AID OF THE MASSACHUSETTS TEACHERS' ASSOCIATION.

Aid to the Massachusetts teachers' association.

Resolved, That there be allowed and paid, annually, to the president or treasurer of the Massachusetts teachers' association, the sum of three hundred dollars, to be applied to the purposes of said association; the said amount to be paid out of the moiety of the income of the school fund applicable to educational purposes, subject to the approval of the state board of education.

Approved March 19, 1880.

Chap. 31 RESOLVE IN FAVOR OF THE TRUSTEES OF THE STATE LUNATIC HOSPITAL AT DANVERS.

State lunatic hospital at Danvers.

Resolved, That there shall be allowed and paid out of the treasury of the Commonwealth, to the trustees of the state lunatic hospital at Danvers, for the current cash expenditures and supplies of the hospital, in anticipation of earnings, collections and deficiencies, the sum of twenty thousand dollars.

Approved March 19, 1880.

Chap. 32 RESOLVE CONCERNING THE PRINTING OF LAWS RELATING TO ELECTIONS.

Laws relating to elections to be printed.

Resolved, That the secretary of the Commonwealth shall cause to be prepared a pamphlet containing the acts passed at the present session relating to elections, together with the provisions of the General Statutes and other laws now in force relating to elections, with proper notes and references, and a complete index, in such form as may be convenient for preservation and use in the several cities

and towns of the Commonwealth; and that he transmit three copies thereof to the clerk of every town, and three times as many copies to the clerk of every city as there are wards or precincts in such city; and also one copy to each member of the present legislature, and one copy to each city and town.

Approved March 19, 1880.

RESOLVE IN FAVOR OF FEMALE PRISONERS DISCHARGED FROM
JAILS AND HOUSES OF CORRECTION.

Chap. 33

Resolved, That there be allowed and paid, annually, out of the treasury of the Commonwealth, the sum of two hundred dollars, to be expended under the direction of the commissioners on prisons, for assistance to female prisoners discharged from jails and houses of correction.

Aid to females discharged from jails and houses of correction.

Approved March 19, 1880.

RESOLVE RELATING TO FREIGHT DRAW-BARS AND COUPLINGS.

Chap. 34

Resolved, That the board of railroad commissioners be instructed to investigate the subject of freight draw-bars and couplings, and report the result of their investigations to the railroad corporations of the state, and to the next general court.

Subject of freight draw-bars and couplings to be investigated.

Approved March 19, 1880.

RESOLVE PROVIDING FOR THE PRINTING OF FIVE THOUSAND
EXTRA COPIES OF THE REPORT OF THE EXAMINATION OF THE
SCHOOLS OF NORFOLK COUNTY.

Chap. 35

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of eight hundred dollars, for the purpose of printing in pamphlet form for free distribution five thousand copies of appendix "A" to the annual report of the state board of education, being the report of an examination of the schools of Norfolk county; to be expended under the direction of the state board of education.

Report of examination of Norfolk county schools to be printed.

Approved March 26, 1880.

RESOLVE TO PROVIDE ADDITIONAL ACCOMMODATIONS IN THE
STATE LIBRARY.

Chap. 36

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding four thousand dollars, for necessary alterations, including painting, in the state library; the same to be expended, under the direction of the commissioners on the state house, on plans approved by the joint standing committee on the library.

State library.

Approved March 27, 1880.

Chap. 37 RESOLVE PROVIDING FOR A REPORT AND PLAN OF THE BEST METHOD FOR SCHOOL SUPERVISION.

Report and plan to be presented of the best method of school supervision.

Resolved, That the board of education report to the next legislature, during the first week of the session, upon the feasibility and expediency of providing a complete and uniform system of supervision for such of the public schools of the state as are not now provided with special superintendence; and, if they deem such supervision expedient, present with their report a practicable and detailed plan for establishing the same.

Approved March 29, 1880.

Chap. 38 RESOLVE IN FAVOR OF THE COMMISSIONERS ON CONTAGIOUS DISEASES AMONG CATTLE.

Contagious diseases among cattle.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding two thousand dollars, to be expended under the direction of the cattle commissioners, for the purpose of exterminating contagious diseases in the state among horses and cattle.

Approved March 29, 1880.

Chap. 39 RESOLVE IN FAVOR OF JOHN M. STEBBINS, RECEIVER.

John M. Stebbins, receiver.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to John M. Stebbins, receiver of the late firm of Mayo and Baker, the sum of five hundred dollars, as a balance due for the construction of the reformatory prison for women, at Sherborn.

Approved March 29, 1880.

Chap. 40 RESOLVE IN FAVOR OF THE STATE WORKHOUSE AT BRIDGEWATER.

State workhouse at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding eight thousand five hundred dollars for the purchase of suitable steam fire apparatus and the erection of a building for the same, and for increased facilities for obtaining water for the protection of said workhouse against fire; the same to be expended under the direction of the trustees of the state workhouse at Bridgewater, subject to the approval of the board of health, lunacy and charity.

Approved March 31, 1880.

RESOLVE RELATIVE TO PRINTING THE SUPPLEMENTARY REPORT OF THE HEALTH DEPARTMENT OF THE BOARD OF HEALTH, LUNACY AND CHARITY. *Chap. 41*

Resolved, That there be printed four thousand six hundred copies of the supplementary report of the health department of the board of health, lunacy and charity, for the year one thousand eight hundred and seventy-nine; to be distributed as follows:—sixteen hundred copies for the use of the health department of the board of health, lunacy and charity, five copies to each member of the legislature, one copy to each member of the executive departments, the clerks of the two branches of the legislature, and to each reporter assigned a seat in either branch of the legislature. There shall be held on sale, by the secretary of the Commonwealth, one thousand copies, at a price not less than the actual cost of the same.

Supplementary report of health department of board of health, lunacy and charity.

The state printers are hereby authorized to retain five hundred copies of the said report, for binding in sets.

Approved March 31, 1880.

RESOLVE PROVIDING FOR THE EXPENSE OF ENFORCING THE PROVISIONS OF LAW IN RELATION TO GREEN HARBOR MARSH, IN MARSHFIELD. *Chap. 42*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding two thousand dollars, to be expended under the direction of the attorney-general, for the purpose of enforcing the provisions of chapter three hundred and three of the acts of the year eighteen hundred and seventy-one in relation to Green Harbor Marsh, in Marshfield; said sum to be payable upon properly approved vouchers filed with the auditor of accounts.

Green Harbor Marsh in Marshfield.

Approved March 31, 1880.

RESOLVE IN FAVOR OF THE STATE PRISON AT CONCORD. *Chap. 43*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding two thousand eight hundred dollars, for the purpose of furnishing additional pipe, stand pipes and hydrants to complete the water works at the state prison at Concord; the same to be expended under the direction and with the approval of the commissioners on prisons.

State prison at Concord; water pipes and hydrants.

Approved April 7, 1880.

Chap. 44 RESOLVE PROVIDING FOR THE PURCHASE OF UNIFORMS FOR THE MILITIA.

Uniforms for
the militia.

Provided.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of one hundred and twelve thousand dollars, to be expended by the quartermaster-general, under the direction of the commander-in-chief, in the purchase of military clothing and leggings for the volunteer militia, in conformity with section seventy-two of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight. The clothing purchased for the two corps of cadets may be different from that furnished for the use of other infantry organizations: *provided*, that the cost of such clothing shall not be greater for each man than that provided for the use of other infantry volunteers; and no part of this appropriation shall be expended unless contracts, satisfactory to the governor and council, can be made to provide uniforms for the entire volunteer militia within the amount specified in this resolve, and provided that any sum that the Commonwealth may receive from the United States for the purpose of providing clothing and equipments for the militia of the Commonwealth, shall be used for that purpose, and shall be deducted from the amount named herein.

Approved April 7, 1880.

Chap. 45

Somerville
Charity Club.

RESOLVE IN RELATION TO THE SOMERVILLE CHARITY CLUB.

Resolved, That the transfer of the money and personal property and other assets to the Somerville Charity Club, a corporation under the laws of the Commonwealth, by the association known as the Somerville Charity Club, in Somerville, and the organization of the said corporation, are hereby made valid and confirmed.

Approved April 7, 1880.

Chap. 46 RESOLVE PROVIDING FOR A CONSOLIDATION AND ARRANGEMENT OF THE GENERAL STATUTES OF THE COMMONWEALTH.

General
Statutes to be
consolidated
and arranged.

Resolved, That the governor, by and with the advice and consent of the council, shall appoint three able and discreet persons learned in the law, to be commissioners for consolidating and arranging the General Statutes of the Commonwealth, which may be in force and operation at the time such commissioners may make their final report of their doings in the premises. Such commissioners shall carefully collect under different titles and chapters, upon

the basis, plan and general form and method of the General Statutes, all acts and parts of acts relating to the same subject; and shall execute and complete such consolidation and arrangement in such manner as in their judgment will render the said General Statutes most concise, plain and intelligible. The commissioners may, in consolidating and arranging the statutes, omit redundant enactments, and those which may have ceased to have any effect or influence on existing rights; reject superfluous words, and condense into as concise and comprehensive a form as is consistent with a full and clear expression of the will of the legislature, all circuitous, tautological and ambiguous phraseology; suggest any mistakes, omissions, inconsistencies and imperfections, which may appear in the laws to be consolidated and arranged, and the manner in which they may be corrected, supplied and amended. The commissioners shall indicate by brief marginal notes and references, the statutes, chapters and sections consolidated and arranged by them, the substance of the contents of each section, and the leading and prominent judicial decisions upon the same. They shall complete the said consolidation and arrangement, and make and present their final report, in print, to the legislature, as soon as may be, the same to be accepted or rejected by the legislature without amendment. Said commissioners shall receive such compensation from the treasury of the Commonwealth as the governor and council shall determine.

To be made concise, plain and intelligible.

Approved April 7, 1880.

RESOLVE AUTHORIZING THE STATE BOARD OF EDUCATION TO LEASE
ROOMS FOR THE USE OF THE STATE NORMAL ART SCHOOL

Chap. 47

Resolved, That the state board of education be authorized to lease suitable accommodations for the use of the state normal art school, in the city of Boston, for a period of three years from the first day of July eighteen hundred and eighty, at an annual rental not exceeding four thousand five hundred dollars, and taxes; said accommodations to be in a building or part of a building which with the entrance or entrances to it shall be under the exclusive control of the officers of the school: *provided, however*, that suitable accommodations as aforesaid cannot be secured in any building or part of a building belonging to the Commonwealth.

Rooms to be leased for the state normal art school.

Approved April 13, 1880.

Chap. 48 RESOLVE RELATIVE TO INDUSTRIAL CONCILIATION AND ARBITRATION.

Industrial conciliation and arbitration.

Resolved, That the bureau of statistics of labor is hereby directed to make a full investigation as to the practical working of the principles of industrial conciliation and arbitration, and to consider what legislation, if any, is necessary to enable employers and employes in this state to secure the benefit of such principles, and to report the results to the next legislature.

Approved April 13, 1880.

Chap. 49 RESOLVE TO CONFIRM CERTAIN DEEDS FROM SARAH W. HALE, DEVISEE UNDER THE WILL OF MOSES BROWN, TO TIMOTHY HOLLAND AND OTHERS.

Deeds from Sarah W. Hale to Timothy Holland and others, confirmed.

Resolved, That the deeds of the following grantees, viz.: Timothy Holland, recorded in Essex registry of deeds, for the southern district, book 513, leaf 183; city of Newburyport, recorded in said registry, book 516, leaf 166; Nathan Follansbee, recorded in said registry, book 528, leaf 203; William N. Cumber, recorded in said registry, book 539, leaf 187; Augustus Wills, recorded in said registry, book 542, leaf 138; Edward Toppan, recorded in said registry, book 568, leaf 212; Daniel T. Coleman, recorded in said registry, book 572, leaf 165; Newburyport Oak Hill Cemetery, recorded in said registry, book 546, leaf 90; William Brown, recorded in said registry, book 560, leaf 251; Newburyport Railroad Company, recorded in said registry, book 603, leaf 179; Richard Plumer, recorded in said registry, book 628, leaf 225; Norman C. Greenough, recorded in said registry, book 628, leaf 225; David Brown, recorded in said registry, book 670, leaf 228; Jacob Christenton, recorded in said registry, book 709, leaf 51; Eliza Stone, recorded in said registry, book 717, leaf 1; Joseph H. Currier, recorded in said registry, book 719, leaf 171; Louis Patrequin, recorded in said registry, book 755, leaf 142; Margaret H. Jaques, wife of Benjamin H. Jaques, recorded in said registry, book 788, leaf 66; Joseph Moulton, recorded in said registry, book 841, leaf 253; from Sarah W. Hale as grantor by virtue of resolve of legislature of March eighteenth, eighteen hundred and forty-five; and also the deed of Michael T. Doherty from Sarah W. Hale, by virtue of resolve of the legislature of sixth of May, eighteen hundred and forty-eight, are hereby ratified and confirmed; and it shall be the duty of the register of deeds

for said district, at the request of any party interested, to write upon the margin of the record, where said deeds are severally recorded, a reference to this resolve.

Approved April 15, 1880.

RESOLVE RELATING TO ENFORCING CONTRACTS BETWEEN THE COMMONWEALTH AND THE BOSTON AND ALBANY RAILROAD CORPORATION.

Chap. 50

Resolved, That the attorney-general be and he hereby is instructed to commence such legal proceedings in the name and on behalf of this Commonwealth, as shall be deemed by him right and proper to secure the performance by the Boston and Albany Railroad Company of the stipulations and agreements contained in its contracts heretofore made with the Commonwealth, concerning the purchase by said company of flats at South Boston, and to recover such sum or sums of money as shall be found due to the Commonwealth from said company on account thereof, unless settlement shall be made of such matters by said company to the satisfaction of the harbor and land commissioners, and the approval of the governor and council, within six months after the passage of this resolve.

Contracts between the state and the Boston and Albany Railroad, to be enforced.

Approved April 15, 1880.

RESOLVE IN FAVOR OF THE TOWN OF WATERTOWN.

Chap. 51

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Watertown, the sum of twenty-four hundred and seventy-two dollars, the same being the amount paid by said town for land damages under the provisions of chapter two hundred and ninety-one of the acts of eighteen hundred and sixty-eight: *provided, however*, that if said town shall accept the above sum it shall be in full settlement of all present or future claims on the part of said town against the Commonwealth, based on the provisions of the aforesaid chapter.

Town of Watertown.

Approved April 17, 1880.

RESOLVE TO PROVIDE ADDITIONAL SAFEGUARDS AGAINST FIRE AT THE STATE LUNATIC HOSPITAL AT DANVERS.

Chap. 52

Resolved, That there be allowed and paid out of the treasury of the Commonwealth such sum, not exceeding nine thousand dollars, as shall be found necessary to provide additional safeguards against fire in the state lunatic hospital at Danvers; said sum to be expended under the direction of the trustees of said hospital, with the approval of the state board of health, lunacy and charity.

Safeguards against fire at lunatic hospital at Danvers.

Approved April 22, 1880.

Chap. 53

Repairs on state house.

RESOLVE IN RELATION TO REPAIRS ON THE STATE HOUSE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding eight thousand dollars, for painting and repairs on the state house, to be expended under the direction and with the approval of the commissioners on the state house.

Approved April 22, 1880.

Chap. 54

George Ward.

RESOLVE IN FAVOR OF GEORGE WARD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to George Ward, the sum of one hundred and twenty dollars, as state bounty under section three of chapter two hundred and fifty-four of the acts of eighteen hundred and sixty-three, being the amount he would have been entitled to had he been discharged for disability.

Approved April 22, 1880.

Chap. 55

Purchase of real estate for use of Commonwealth.

RESOLVE RELATING TO THE PURCHASE OF REAL ESTATE FOR THE USE OF THE COMMONWEALTH.

Resolved, That the governor, by and with the consent of the council, be and he is hereby authorized to purchase not less than eight thousand four hundred superficial feet of land within a radius of four hundred feet of the state house, for the use of the Commonwealth; and that a sum not exceeding one hundred and twenty thousand dollars be allowed and paid out of the treasury of the Commonwealth, which amount shall cover the total expense of the purchase.

Approved April 22, 1880.

Chap. 56

In favor of settlers upon lands in Maine.

RESOLVE IN FAVOR OF CERTAIN SETTLERS UPON LANDS IN THE STATE OF MAINE.

Resolved, That the treasurer of the Commonwealth be and hereby is authorized and directed to convey by deed to Samuel A. Holbrook, treasurer of the state of Maine, for the use of said state, all the right, title and interest of the Commonwealth, to the "settlers' lots," so called, situated in township number seventeen, in range seven, in the county of Aroostook, in the state of Maine,—the state of Maine to make conveyances of said lots to the settlers, in the same manner that the Commonwealth would have done if no conveyance had been made.

Approved April 23, 1880.

RESOLVE IN FAVOR OF THE REFORMATORY PRISON FOR WOMEN. *Chap. 57*

Resolved, That a sum not exceeding thirty-five hundred dollars, for erecting and completing a double tenement house for the male employés of said prison, be allowed to be expended under the direction and with the approval of the commissioners on prisons; and that for the disposal of the sewage matter, in accordance with the provisions of chapter two hundred and fourteen of the acts of the year one thousand eight hundred and seventy-nine, said commissioners are authorized to expend a sum not exceeding ten thousand dollars; said sums to be paid from the regular appropriation for the ordinary expenses of the institution for the year eighteen hundred and eighty.

Reformatory
prison for
women; house
for male
employés.

Approved April 23, 1880.

RESOLVE IN FAVOR OF THE WIDOW OF EUGENE L. NORTON.

Chap. 58

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the widow of Eugene L. Norton, late a member of the senate, the sum of five hundred dollars, being the amount of salary to which he would have been entitled had he lived until the close of the session.

Eugene L.
Norton.

Approved April 24, 1880.

RESOLVE PROVIDING FOR A CONTRIBUTION TO THE COST OF THE NATIONAL MONUMENT COMMEMORATIVE OF THE BATTLE OF THE COWPENS.

Chap. 59

Resolved, That the governor, on behalf of the Commonwealth, be and hereby is authorized to subscribe the sum of two hundred and fifty dollars, towards the cost of a memorial column to be erected on the soil of South Carolina, by joint contribution of the thirteen original states, in commemoration of the battle of the Cowpens, and to be dedicated as a national work, on the centennial anniversary of that battle; and the said sum is appropriated to be paid from the treasury of the Commonwealth.

Monument
commemorative
of battle of the
Cowpens.

Approved April 24, 1880.

RESOLVE PROVIDING FOR AN ADDITIONAL NUMBER OF COPIES OF THE BLUE BOOK FOR THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE.

Chap. 60

Resolved, That the secretary of the Commonwealth cause to be printed three hundred copies of the Blue Book of eighteen hundred seventy-nine, at a cost not exceeding seven hundred dollars; and that he be authorized to sell the same to the public at cost. *Approved April 24, 1880.*

Blue Book for
the year 1879.

Chap. 61

Jamaica Pond
Ice Company.

RESOLVE IN FAVOR OF THE JAMAICA POND ICE COMPANY.

Resolved, That the board of appeal, under chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, may allow an abatement to the Jamaica Pond Ice Company, on account of real estate belonging to said company and heretofore locally taxed to it, which has not been already allowed, irrespective of the time when it was so locally taxed.

Approved April 24, 1880.

Chap. 62

Report of
examinations
of Norfolk
county schools
to be published.

RESOLVE TO AUTHORIZE THE PUBLICATION OF THE EXAMINATIONS OF NORFOLK COUNTY SCHOOLS.

Resolved, That the electrotype plates of that part of the report of the board of education relating to the examinations of Norfolk county schools be loaned, under the direction of the secretary of the Commonwealth, to the association of school committees of Norfolk county, to enable them to publish an edition of said report: *provided*, that no part of the expense of such publication shall be chargeable to the Commonwealth.

Approved April 24, 1880.

Chap. 63

State printing
contract.

RESOLVE RELATIVE TO THE STATE PRINTING CONTRACT.

Resolved, That the word "cost" used in the contract for the state printing, as applied to the supply of paper by Rand, Avery and Company, shall be construed on the part of the state to mean the net cash price paid to the manufacturer for the same, and one cent per pound additional, as a full equivalent for freight, cartage, insurance, interest on advance purchases, handling, delivery, and any and all other items of cost; and in case of disagreement the auditor of the Commonwealth is hereby authorized to determine what said cost is. The words in said contract "to fold, stitch, and bind, as directed, all pamphlets and other public documents which may be needed," shall be held on the part of the state to mean that said work shall be paid for at a fair market price, to be determined by the auditor of the Commonwealth upon the basis of prices to be ascertained by him to be the average charges upon like work by at least six firms in the city of Boston, said firms to be named by the governor. Any accounts of Rand, Avery and Company now unsettled shall be adjusted upon the basis prescribed by this resolve.

Approved April 24, 1880.

RESOLVE IN FAVOR OF THE COUNTY OF MIDDLESEX.

Chap. 64

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of six hundred and seventeen dollars and sixty-nine cents, to the treasurer of the county of Middlesex, in reimbursement for support of prisoners, transferred to the East Cambridge house of correction from the reformatory prison for women, during the year eighteen hundred and seventy-nine; also the sum of three hundred and forty-eight dollars and fifty cents, in reimbursement for expenses of transfers of prisoners from the reformatory prison for women to sundry institutions.

In favor of the
county of
Middlesex.

Approved April 24, 1880.

RESOLVE IN FAVOR OF EMELINE I. SMITH.

Chap. 65

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Emeline I. Smith, of Cambridge, the sum of five thousand dollars, as a gratuity, in consideration of services rendered the Commonwealth by her late husband Joshua B. Smith, deceased, in furnishing subsistence to the twelfth regiment of Massachusetts volunteers, in the year eighteen hundred and sixty-one.

Emeline I.
Smith.

Approved April 24, 1880.

RESOLVE REQUESTING AND EMPOWERING THE GOVERNOR AND COUNCIL TO MAKE INVESTIGATION INTO THE MANAGEMENT AND CONDUCT OF THE OFFICIALS OF THE STATE PRISON.

Chap. 66

Resolved, That the governor and council be requested and empowered to make a full investigation into the management and conduct of the officials of the state prison at Concord, with power to send for persons and papers; and that in all meetings for said investigation the reporters of newspapers shall be admitted.

Management,
etc., of officials
at state prison
to be investi-
gated.

Approved April 24, 1880.

RESOLVE FOR AN INVESTIGATION INTO THE CLAIMS OF THE SURVIVING MEMBERS, AND THE WIDOWS AND CHILDREN OF DECEASED MEMBERS, OF THE ELEVENTH REGIMENT OF INFANTRY, MASSACHUSETTS VOLUNTEERS.

Chap. 67

Resolved, That the commissioners of state aid be directed to investigate the claims of members of the eleventh regiment of infantry, Massachusetts volunteers, and of the widows and children of deceased members, for services rendered the state from the ninth day of May to the thirtieth day of June, in the year one thousand eight hundred and sixty-one, and to give public hearing on the subject to parties desiring to be heard, and to report to the next general court.

Claims of
members, etc.,
of the 11th
Regiment
Massachusetts
Volunteers, to
be investigated.

Approved April 24, 1880.

Chap. 68 RESOLVE FOR AN INVESTIGATION INTO THE CLAIMS OF THE SURVIVING MEMBERS, AND THE WIDOWS AND CHILDREN OF DECEASED MEMBERS, OF THE TWELFTH REGIMENT OF INFANTRY, MASSACHUSETTS VOLUNTEERS.

12th Regiment
Massachusetts
Volunteers.

Resolved, That the commissioners of state aid be directed to investigate the claims of members of the twelfth regiment of infantry, Massachusetts volunteers, and of the widows and children of deceased members, for services rendered the state from the twentieth day of April to the twenty-sixth day of June, in the year eighteen hundred and sixty-one, and to give public hearing on the subject to parties desiring to be heard, and to report to the next general court.

Approved April 24, 1880.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

THE following proposed Articles of Amendment to the Constitution of this Commonwealth have been officially certified and deposited in the Secretary's Department, as required by chapter 156 of the Acts of 1865, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection :—

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION
TO PREVENT THE DISFRANCHISEMENT OF CERTAIN SOLDIERS
AND SAILORS BECOMING PAUPERS.

Resolved, By both houses, the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives, present and voting thereon:— That it is expedient to alter the constitution of this Commonwealth, by adopting the subjoined article of amendment; and that the same, as thus agreed to, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen; and that the same be published, to the end, that, if agreed to by the general court, next to be chosen, in the manner provided by the constitution, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of this Commonwealth.

ARTICLE OF AMENDMENT.

No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

HOUSE OF REPRESENTATIVES, February 12, 1880.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives,

PROPOSED AMENDMENTS TO THE CONSTITUTION.

present and voting thereon, having voted in the affirmative ; and the same is referred to the general court next to be chosen.

CHAS. J. NOYES, *Speaker*.

SENATE, April 12, 1880.

The foregoing Article of Amendment is agreed to, a majority of the members of the Senate, present and voting thereon, having voted in the affirmative ; and the same is referred in concurrence to the general court next to be chosen.

ROBERT R. BISHOP, *President*.

RESOLVE PROVIDING FOR AMENDMENTS TO THE CONSTITUTION TO PROVIDE FOR BIENNIAL ELECTIONS.

Resolved, By both houses, the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon :— That it is expedient to alter the constitution of this Commonwealth by adopting the subjoined proposed articles of amendment ; and that the same, as thus agreed to, be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen ; and that the same be published to the end that if both or either of said proposed articles be agreed to by the general court next to be chosen, in the manner provided in the constitution, the said proposed articles or article, so agreed to, may be submitted to the people ; and if the same shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, the same shall become a part of the constitution of this Commonwealth. The general court shall direct the time and manner of voting by the people upon the said proposed articles of amendment, and enact all such laws as shall be necessary to procure a free and fair vote thereon, and to give effect to the provisions hereof: *provided*, that said proposed articles of amendment shall be submitted to the people as distinct propositions, and may be severally approved and ratified, or rejected.

FIRST PROPOSED ARTICLE OF AMENDMENT.

The term of office of the governor, lieutenant-governor, and councillors, respectively, shall begin on the first Wednesday of January, and shall continue for the term

of two years, and until their successors shall be chosen and qualified.

The term of office of the secretary, treasurer and receiver-general, auditor, and attorney-general, respectively, shall begin on the third Wednesday of January, and shall continue for the term of two years, and until their successors shall be chosen and qualified; and the same person shall be eligible as treasurer and receiver-general for six years successively, and no more.

The first election under this article, to the offices herein named, shall be on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and eighty-two, in the manner prescribed by the constitution of this Commonwealth, and thereafter on the said Tuesday of November biennially.

It shall be the duty of the legislature first to assemble after the adoption of this article to make all necessary provisions of law concerning the tenure of office of sheriffs, registers of probate, commissioners of insolvency, clerks of courts, county officers and district attorneys, and to make all such provisions of law as may be required in consequence of the change from annual to biennial elections.

All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby wholly annulled.

SECOND PROPOSED ARTICLE OF AMENDMENT.

Senators and representatives shall be elected biennially, and hold office two years, beginning on the first Wednesday of January following their election. The first election under this article, to the offices herein named, shall be on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and eighty-two, in the manner prescribed by the constitution of this Commonwealth, and thereafter on the said Tuesday of November biennially; and the first session of the general court elected under the provisions hereof shall begin on the first Wednesday of January, in the year one thousand eight hundred and eighty-three.

All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby wholly annulled.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

HOUSE OF REPRESENTATIVES, March 30, 1880.

The foregoing Articles of Amendment are agreed to, two-thirds of the members of the House of Representatives, present and voting thereon, having voted in the affirmative; and the same are referred to the general court next to be chosen.

CHAS. J. NOYES, *Speaker*.

SENATE, April 12, 1880.

Agreed to by the Senate, a majority of the members thereof, present and voting thereon, having voted in the affirmative; and the same are referred in concurrence to the general court next to be chosen.

ROBERT R. BISHOP, *President*.

THE General Court of 1880, during its annual session, passed two hundred and sixty-two Acts and sixty-eight Resolves, all of which received the approval of His Excellency the Governor. The General Court was prorogued on Saturday, April 24, the session having occupied one hundred and nine days.

The Resolves providing for Amendments to the Constitution, which were agreed to by the General Court of 1879, in the manner provided by the Constitution, were not agreed to by the General Court of the year 1880.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY JOHN D. LONG.

AT one o'clock on Thursday, the eighth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives in Convention, and delivered the following

ADDRESS.

*Members of the Senate and of
the House of Representatives:*

I call your attention at once to the financial exhibit, the statistics of which, as well as those relating to other interests of the State, have been, as usual, furnished by the respective departments to which they relate.

PUBLIC DEBT.

The funded debt is represented by \$20,495,464 in sterling, and \$12,525,000 in Federal bonds, and is classified as follows:—

Railroad loans	\$17,738,996 00
War loans	10,468,188 00
Public buildings, etc	4,813,280 00

Total funded debt Jan. 1, 1880 . . . \$33,020,464 00

which is the same as a year ago.

There are no temporary loans to provide for; no addition has been made to the debt during the year, nor has it been reduced. An instalment of \$220,000 will mature next May, and will be paid from its own sinking fund, which is sufficient for the purpose.

The maturity of the remaining portions of the debt is shown in the following table:—

1883 . . .	\$1,088,000 00	1894 . . .	\$10,921,244 00
1888 . . .	3,061,300 00	1895 . . .	4,840,260 00
1889 . . .	3,142,128 00	1896 . . .	1,100,000 00
1890 . . .	503,468 00	1897 . . .	520,000 00
1891 . . .	3,815,040 00	1900 . . .	3,599,024 00
1893 . . .	209,000 00		

From the foregoing statement, it is apparent, that, including the amount to be paid the present year, only \$1,308,000 of the funded debt can be retired before 1888.

This fact, and the further consideration, quite as important in its bearing upon the industries of the State, that the interest amounting to nearly \$1,650,000 is to be raised annually by taxation, may well be remembered, when we are tempted to embark in new enterprises, or to spend the people's money for purposes of doubtful expediency, or of any thing less than imperative necessity.

SINKING FUNDS.

The several funds established to liquidate the public debt at maturity amount in the aggregate to \$12,879,683.49. Amount of same Jan. 1, 1879, \$11,908,546.74; increase during the year, \$971,136.75.

It is expected that these funds, with their accumulations, and other resources set apart by law as contributions for the purpose, will be nearly, if not quite, ample for the retirement of the entire debt at maturity.

ESTIMATES FOR 1880.

The estimates for the current year, necessarily based mainly upon existing laws, are as follows:—

	1880.	1879.
Payments for all purposes . . .	\$4,176,877 00	\$4,315,650 00
Ordinary revenue . . .	2,700,720 00	2,704,740 00
Cash on hand Jan. 1 . . .	250,057 07	1,294,517 79
Leaving a deficit to be provided for by taxation of . . .	1,227,099 93	316,392 21

The difference of over a million dollars between the cash on hand to-day and a year ago will necessitate a State tax more than double that of last year, unless the recent reductions in State expenditures and continued strict economy on your part shall enable you to avoid so large an increase.

COMPARATIVE RESULTS.

The expenses of 1879, compared with those of 1878, show the following results:—

	1878.	1879.
Ordinary expenses	\$1,797,694 43	\$1,544,591 79
Exceptional expenses	3,851,873 31	4,015,826 91
Totals	<u>\$5,649,567 74</u>	<u>\$5,560,418 70</u>

By the foregoing it will be seen that the reduction in ordinary expenses in 1879, as compared with the same in 1878, appears to be \$253,102.64, while the increase in exceptional expenses amounts to \$163,953.60.

The ordinary expenses of 1880 should be still less than in 1879, as the reductions made by the last legislature did not go into operation at the beginning of the year.

The exceptional expenses of 1879 were increased by the following items, among others:—

For military aid, under chap. 282, 1878, since repealed	\$157,635 46
On account of claim of Mayo & Baker	37,415 04
On account of claim of Clapp & Ballou	81,202 73
Allowance to Agricultural College	32,000 00
Total	<u>\$308,253 23</u>

But for these items the result would show a reduction also in exceptional expenses, as compared with those of 1878.

There is enough, however, in the foregoing financial exhibit, the figures of which are substantially as will appear in the auditor's report, to convince you that great prudence is still the duty of the Commonwealth, and that you cannot afford to increase its expenses or undo the retrenchment of last year.

HEALTH, LUNACY AND CHARITY.

Last year an Act was passed creating a State Board of Health, Lunacy and Charity, consolidating the former Boards of Health and State Charities, and embracing the additional department of lunacy. This Act has been so little time in operation, that, while, as is claimed, it has lessened the expense of administration, it is too soon to pass final judgment on its working. It should have full trial; nor do I think public sentiment would at this session justify fresh interference and radical changes. The whole

subject, however, is full of interesting suggestions. It is a question still, even with some of the most competent members of the Board, whether these three departments should be united in one; but that policy having been adopted less than a year ago, it should certainly be followed till it can be fully tested.

In regard to lunacy, the consolidated Board is doing the same work that a separate lunacy commission would do at present. The treatment of the insane is a subject on which public sentiment is justly tender, and each year more exacting. It may be doubted whether the congregate system is the best, especially in any future provision for an increase of the insane, but we are not in case to adopt any other at this time. The great safeguards, whatever the system, are humane and actively interested trustees, elastic to public sentiment and not too quick to stand on the defensive; occasional fresh appointments among them; an ample medical staff of competent and experienced physicians, — a proportionate number of them women, — and, above all, vigilant inspection by officials possessed at once of firmness and also of tact as well. It is of more consequence that that inspection should be constant, thorough, and imminent, than that it should be under the direction of a single or a consolidated Board.

Our lunatic hospitals, as well as the other institutions that come under the new commission of Health, Lunacy and Charity, are generally in good condition, and deserving of favorable mention. It would be hard to find more devoted trustees or more painstaking officials. The lunacy laws should be codified and made more simple, especially in regard to the mode of discharging patients and of transfers from prisons and from other institutions to hospitals. An Act codifying all laws relating to our charities would be still better.

A question has arisen whether the Act of last year, reducing the price paid for the support of paupers in the lunatic hospitals, applies to town as well as to State paupers. This should be rendered clear. In this connection, however, it is claimed by the hospitals, that in each of them the reduced price is less than the actual cost per week. It has occurred to me that this question of price, so many and various are the considerations that affect it, might be left with the general Board of Health, Lunacy and Charity.

On the whole, very little new legislation under this general head seems to be necessary so soon after the changes of last winter. For the details of the working of the vari-

ous institutions I call your attention to their various reports, and I refer to your attention the suggestions therein contained.

An earnest effort is now making to secure closer care and watchfulness over the female wards of the State, who have been placed on probation, either in their own homes or with other families. The women of Massachusetts have accepted invitations to take part in this work; and it is expected that soon every female child, committed to the custody of the Board, will at all times have a friend of her own sex to help her to a happier and a brighter life.

PRISONS.

One of the workshops at the State Prison at Concord was burnt in May last. In this exigency the governor and council authorized repairs and the erection of a new one; the contractor assuming the risk of an appropriation by you to meet the cost. The appropriation should now be made.

Under the legislation of last year the governor and council have laid pipes and put in pumps for supplying the State Prison with water from the Assabet River. A further small appropriation may be necessary to furnish the workshops with the very important safeguard of sprinklers.

At the State Prison during the year, there has been an increase of earnings which is expected to continue.

The Reformatory Prison for Women at Sherborn is still sufficiently successful to justify the experiment of its establishment. The number of inmates is very large and increasing; and for that reason, as well as for better opportunity for reformation, it is desirable that the law should be so modified that only those convicts should be sent there who have been sentenced to long terms of confinement.

The Board of Commissioners of Prisons, created under the Act of last year, and charged with the supervision of both prisons, is vindicating, I believe, the wisdom of its establishment in the place of the various independent Boards to which it has succeeded. Both institutions are running with diminished friction, and I commend to your attention the report of the Commissioners.

It seems to me an important suggestion that measures should be taken for gathering more thoroughly the statistics of crime.

It is a matter rather for the courts than for you; but it

would be a great improvement if there could be more uniformity of sentences imposed on convicts for the same class and degree of offences. In our penal institutions it is not infrequent to find side by side criminals of substantially equal guilt, but with such wide differences in their terms of confinement that a natural sense of injustice impairs their respect for the law, and impedes their reformation and discipline.

The treatment of criminals is a most important and interesting subject. Any attempt to perfect our prison system is limited at the outset by the present arrangement of our prison structures and appointments, which cannot be abruptly changed for the purpose of trying experiments, or at great and unreasonable cost. Reformation, the great desideratum in connection with punishment, is easier said than done. On the one hand, there are convicts surprised into sudden guilt, or led by trains of circumstances into crimes they had hardly contemplated till entangled in their commission: these are reformed from the moment of their arrest and exposure. There are others of whom crime seems to be the normal condition. Between these two classes, and contaminated by one of them, there are some to whom a period of years of confinement ought, by judicious influences, to bring something of an education of the moral sense, and an ambition for better life. The familiar plan of classification occurs; but, by reason of the limitations I have already suggested, a thorough classification at once is impracticable, and should be attempted rather by a step at a time. I therefore refer you to the plan suggested by the Commissioners of Prisons of attempting such a single step, and of making what seems to be a cheap, simple and practicable attempt at reformation, by transferring to some one of our present public institutions, where accommodations can be provided, some of those few convicts who evince genuine elements of reform, and whose punishment, as punishment, is not so much demanded by the nature of their offences as their reformation; and of their trying faithfully what can be done for them by a life of industry under more wholesome surroundings, and by the concentration upon them of good influences and teaching.

The diminution in the number of inmates at a few of our institutions has been such that it is worth your while to consider whether some of them cannot be closed, at least in part.

SAVINGS BANKS AND COUNTY EXPENSES.

The total amount of deposits in the savings banks, doing business in the Commonwealth Oct. 31, 1879, was \$206,378,709.53, a decrease for the fiscal year of \$3,481,921.65.

The number of depositors was 675,555, an increase for the year of 1,304.

The number of banks now in operation is 166; being a diminution of fourteen from the highest number in 1874, when there were 180. Of the whole number, thirteen banks have been placed in the hands of receivers, by the Supreme Judicial Court, to be wound up; and one was voluntarily closed, paying the depositors the amount due them in full.

Eight banks are now temporarily enjoined by decrees of the Supreme Judicial Court; and in twenty banks the payments to depositors are limited and regulated by orders issued by the Board of Commissioners of Savings Banks, in accordance with the provisions of chapter 73 of the Acts of 1878.

The condition of the banks has materially improved, and the confidence of depositors has been so far restored that for the last half of the year there has been an increase, both in number and amount of the deposits, over the withdrawals; and there would seem to be assurance that these institutions have passed the period of depression and trial to which they have been subjected for the past four years.

By chapter 293 of the Acts of last year, the Commissioners of Savings Banks were empowered to inspect the accounts of county officers. The report, which is not yet due, should be of value to you in legislating upon county expenditures and economies. I commend the requirement of some uniform system of keeping all county accounts, the form to be prescribed by statute. This is a direction in which your attention can be profitably turned.

EDUCATION.

The educational reports will present to you the efficient work which has been done during the past year in behalf of education, and the freshly awakened interest on that subject which is abroad. While there is a growing sentiment in favor of greater directness and simplification of instruction, the attention of thoughtful men is directed more than ever before to the improvement of the methods

for free popular education. Legislation should encourage and insure the most practical means for affording it upon terms of perfect equality to all the children of the State; and I suggest to you the importance of some provision which shall enable every town to secure to its schools a system of trained and vitalizing superintendence, so thorough that no school shall fall below the general standard.

The effect of the law compelling the attendance of all children between the ages of eight and fourteen years of age upon the public schools has been to increase the average attendance seven per cent. The active work of the State Board of Education, through its secretary and agents, has born good fruit. The teachers' institutes have been attended by teachers representing more than a third of the towns in the State; and the enlightened discussion at those meetings, of improved methods of teaching and of school organization, has proved very beneficial.

The desirability of teaching the elements of industrial knowledge renders worthy of attention the provision of some practical plan which shall combine such a training, or at least a drift or habit of mind towards it, with the ordinary school exercises. The stimulus given to industrial art education has already proved of practical utility, and is significant of future results in the direction of our manufacturing interests. The lease of the rooms now occupied by the Normal Art School expires in July next; and your attention is directed to the question of providing accommodations of a more permanent and less expensive character. The erection of a new and costly edifice, and the establishment of another heavy constant draft on the treasury, can hardly expect to find favor; and it is worth your while to consider whether the excellent purposes of this enterprise in public industrial education cannot be best and most economically facilitated by connecting it with some of our present technical institutions which are devoted to the same general object, and of which there are two or three in the Commonwealth.

The bounty of the State should be so distributed that the burden of supporting the schools should rest equally upon all. The present school fund, and the method of its distribution, only partially accomplish this. Some towns are compelled to levy a school tax of nearly seven mills, while others are required to levy but a fraction over one mill. Moreover, the towns that bear the heaviest tax raise the least money, and, as a consequence, have poorer schools. Whether it is judicious to still further restrict

the distribution of the present fund, or to devise some other plan for the relief of the smaller towns in the education of their children, are questions which are for your consideration. No more sacred charge, certainly, is in your hands than that of our common schools, — the nursery now for so many years in country and in town of the distinctive elements of New England character and progress. Take care of them; preserve them in their integrity; and the rest of the educational problem will take care of itself.

AGRICULTURE.

The farming interests of the State, like most other industries, have experienced a revival of prosperity. Better prices are now received for farm-produce than for some years past. The Commonwealth has expended many millions of dollars to facilitate the means of transportation by which the products of the West are brought in competition with the resources of our own soil; and while the facilities have resulted in cheaper food for our population, they suggest the importance of doing all in our power to encourage the development of our own abundant resources, and the retention of our rural population, by bringing the aids of science and intelligence to bear more effectually upon the labors of the farm.

The State Board of Agriculture has held numerous and largely attended institutes through the agency of the local societies. Some of the societies have become embarrassed by unwise management, and it may be worthy of consideration whether they are all accomplishing the good which the State has a right to expect. I suggest that you consider whether the bounties which are paid to them by the Commonwealth cannot be made more fruitful in the encouragement of good farming. Is it not possible, that, in some sections, they may be used to some extent in promoting the sugar-beet culture, which, if the manufacture of beet-sugar can be made successful, is a matter worthy of your attention in the agricultural interest?

The Agricultural College has done good work, and can do more. It has done much in scientific research and experiment; it has stimulated agricultural education; and the military training it furnishes at the hands of an officer of the army of the United States is of no small value to the Commonwealth. The trustees, in accordance with the suggestion of the last legislature, have undertaken this

year to reduce its expenses within its income ; effecting a saving, it is claimed, of more than ten thousand dollars a year. But the natural and laudable desire to raise a State institution to a high level of usefulness and influence will not permit it to remain long on a cramped footing. You must frankly face and settle which of several courses shall be the policy of the Commonwealth in its behalf. Among these is its abandonment ; which would be unjust to our agricultural interests, and which is impracticable with good faith either to the town of Amherst or to the national government, if for no other reason. Another is the shiftless one of letting it narrow into a local and feeble school. Another is to generously appropriate every year a sufficient sum of money to meet deficiencies and insure its success. That which is recommended in the report of the retiring governor and council is its union with Amherst College, if that can be effected, with provisions, of course, for fulfilling the trusts heretofore involved in the acceptance of funds from the town of Amherst and from the national government. Such a union, without destroying the integrity of this institution, would certainly separate it from the State treasury. It would save it from the annual attack that impairs its steadiness and accomplishment. It would graft a living branch upon a strong and growing college, which, adopting this new and independent department of practical instruction, would, I am sure, even though with the same income, increase its efficiency, and enable it still, in the interest of agriculture and not subordinate to any other, to better achieve the worthy purposes of its foundation. I trust you will adopt such a course — and the one recommended in the above-named report is there suggested with that view — as will make this institution most valuable in promoting the great interest for which it stands. I suggest also some provision by which the alumni of the Agricultural College shall be represented in its overseership. It has turned out graduates well qualified for that trust, familiar with the merits and defects of its working, and likely to be zealous in enlivening it.

I have been asked to call your attention to the necessity of action for the preservation of our forests.

I refer to your consideration the following statement made to me by the secretary of the Board of Agriculture : —

“ The Commonwealth expended many thousand dollars a few years ago, in stamping out a dreadfully contagious disease among our herds

of neat cattle, and it is generally admitted to have been a wise and judicious investment. Our efforts were attended with complete success; and we have experienced an exemption from similar contagious diseases which have cost other States and other countries large sums of money, and much individual loss and suffering. But while the disease commonly called the pleuro-pneumonia, is known to prevail in at least four States and in the District of Columbia, it furnishes a constant menace to our own farmers and to the immense cattle interest of the West. It seems to be within the power of Congress alone to effect a complete extirpation of this disease, and to furnish protection to a vast and increasing interest throughout the country. It would be proper for the legislature to memorialize Congress to take steps to meet the emergency by an appropriation sufficient to accomplish the object, and the appointment of a commission to co-operate with the authorities of the several States where the disease is known to exist. It is believed by competent judges that one or two millions of dollars would be sufficient to secure complete exemption throughout the country; while, if it is neglected for ten years, a hundred millions will be entirely inadequate."

HOOSAC TUNNEL AND TROY AND GREENFIELD RAILROAD.

Whatever may be the best ultimate disposition of this great property of the Commonwealth, it is certain, in view of the drift of legislation for the last four years, the still early period of the enterprise, and the variety of interests that are seeking connection with it, that, for the present year at least, no change in the system of its general management is practicable or to be recommended. A manager of long experience in railroad service has it in charge; the line is in good working condition; and the Boston, Hoosac Tunnel and Western Railroad has just become a connecting line.

I cannot help feeling, that, however managed, the fact that it is owned by the State should not materially change the character of this property as a road forty-four miles long, with four and three-quarter miles of exceptionally expensive excavation and maintenance. It should be managed with the same prudence as if it were the property of an individual or a corporation. It should bear no burden beyond its proportion as a part of one great line to the West.

The gross earnings for the year ending Sept. 30, 1878,	
were	\$201,108 48
The gross earnings for the year ending Sept. 30, 1879,	
were	224,365 14
From which is reserved under the arbitration herein-	
after referred to	34,750 75
Operating expenses, 1878	80,428 34
Operating expenses, 1879	88,449 89
Additional exceptional expenses by flood of Decem-	
ber, 1878	18,370 01

Net earnings, including rent of the Southern Vermont Railroad, and exclusive of amount reserved as above	\$32,794 49
Expended in construction and betterments from legislative appropriations	42,832 67
Net result	39,961 82

For estimates and other statistics I refer you to the manager's report. The Commonwealth does not of course look for a direct commensurate money return on its investment in this great enterprise. Its value is rather as a vital factor in opening and cheapening transportation to the West in the interest of the whole people. In this view I recognize the necessity of expenditures in construction and betterments to keep the road up to the standard of other roads connecting with it; but emphatically, it seems to me, you should confine these, except under extraordinary circumstances, within the limits of the revenue derived from it, and not allow it to become a load on the already over-burdened treasury of the Commonwealth. Once finished, with no interest or dividends to pay, and with prospective increase of business, the people will demand that it shall pay its own way.

Until recently the Fitchburg Railroad has operated thirty-seven miles of it for one-third of the receipts. Last January that corporation claimed that it was operating this portion of the road at a loss, and asked for a reduction of this rate, which was refused; and, in July last, an agreement for arbitration was made, a copy of which is in the manager's report. The arbitrators are now sitting to determine what rebate, if any, shall be allowed to enable the Fitchburg Railroad to operate said thirty-seven miles without loss, guaranteeing, however, to the State its own operating expenses. The arbitration was intended to cover substantially the recess of the legislature. After it shall have decided what it costs a connecting line to operate the Commonwealth's road, a fixed rate or toll may be made for the use of the tunnel, leaving the road to be prorated with any connecting roads that will form a through line. It is certainly necessary to have a more settled policy of operating the road, to give confidence to connecting lines, and to secure and hold business. If legislation is necessary, the report of the arbitrators will, it is hoped, give valuable data therefor. It will then be for you to consider whether the determination of tolls shall be as at present; whether there shall be any thing in the nature of an arbitrary toll for the exceptional cost and consequent saving in distance and grade; and whether the manager

shall not be empowered, in case no connecting line can agree on terms for operating the road, to hire or purchase motive power for that purpose, and do the work himself.

The legislature of 1878 required the taking of land at Greenfield for a passenger station, and appropriated nine thousand dollars for that purpose. In obedience to that enactment, land was taken ; but the price allowed to the owners therefor by the county commissioners exceeds the appropriation by several thousand dollars, and a further appropriation will be necessary.

There are some lands on the top of Hoosac Mountain which it may be worth while to authorize the manager to sell.

HARBOR AND LAND COMMISSION.

By an Act of last year the duties of the Harbor Commission and those of the Land Commission were committed to a new Board of three members under the name of the Harbor and Land Commissioners. These were selected from both the former Boards ; thus securing, as far as possible, the experience and special qualifications of each, and enabling the new commission to carry forward the united work without material interruption. The experiment of placing these two interests, closely allied as they happen to be, under one supervision, has had too short a trial to test its wisdom ; but the indications are that each will gain by the change, and that it is, indeed, only a question of time when the present Board shall ultimately be further consolidated with that of the Railroad Commission.

As the rapid growth of the interior and the West opens up the great resources of our country, it becomes apparent that the value of the facilities, that exist in a few seaboard States, for receiving and forwarding our own, and for receiving and distributing the return of foreign products, cannot easily be overestimated. Wise statesmanship demands that these facilities be vigilantly guarded and developed upon broad views of their future use.

Aside from a fund of \$130,000, already collected and held in trust for the protection and improvement of the most important harbors of the State, there has, since 1874, been received into the treasury from tide-lands of the Commonwealth, occupied by structures built under license from the Harbor Commissioners, the sum of \$42,588.38. The land-interest in the Back Bay has yielded to the treasury \$4,295,745.65 net proceeds, while nearly 300,000

square feet of filled land are still unsold. Large returns ought also to be secured from the lands of the Commonwealth at South Boston; and it is important that the future treatment of this property should be comprehensive, requiring at the hands of those having it in charge the wisest attention.

All these great interests and ownerships of the State you will carefully guard. On the other hand, so insidiously do they work on the imagination by the great expectations that they are always holding out for the future, and so easily do they tempt the public treasury to participation in attractive ventures, that you will be on the alert on all sides. You will not forget the lessons of the past; and you will, I trust, favor that policy which shall gradually divorce the Commonwealth from all enterprises alien to its simple governmental functions, and which shall extinguish and, above all things, permit no increase of, the public debt. Nothing will tend more to this than the wise development and disposition of these public lands in the line of the great railroad and commercial purposes for which they are designed; so that, as soon as possible, they shall be out of the political sphere, and in the best channels of business activity, those of private enterprise.

I call your attention to the very important matter of connecting existing railroads with the Commonwealth flats at South Boston, on which a report of the commission, to which the subject was referred by the last legislature, will be made to you, and will furnish you information and assistance.

Returning prosperity is indicated by an increase of the number of licenses granted in this department; also by the larger sales of land, amounting this year to \$359,313.18, which sum has gone to increase the sinking funds. The commissioners will present, for your consideration, a revision of the harbor line on the principal front in Boston Harbor.

THE MILITIA.

The authorized force is 330 commissioned officers, and 4,436 men; the total number actually in service, at date of last returns, about October 1st, was 312 officers and 3,798 men. The organization is the same as a year ago. The expenses in 1879 were \$131,807.09, against 146,805.76 in 1878. About \$9,000 of the expenditure of 1879 is chargeable too, not to the militia, but to the matter of pension and State-aid claims, and of war records.

I am glad to say—and my predecessor in office cordially indorses the statement—that the militia is in an efficient state; its tone elevated, and its conduct and character such as to entitle it to confidence. It can be relied on. In camp and under inspection, there has been evidence of steady improvement. At the annual muster of each brigade, it was inspected by Major-General Arnold, who acted under the orders of the General of the Army of the United States, and whose official report bestows the highest praise on the discipline of our troops.

I refer your attention to the Adjutant-General's report; also to the report of the Surgeon-General, who is still called upon in connection with the claims of the veteran soldiers in whose behalf he has acted so long. On examination of that, it will be proper for you to determine whether he shall be paid per diem, as at present, or his compensation be compacted to a fixed sum for the year.

THE LIBRARY.

The State Library now contains between forty and fifty thousand volumes, embracing publications designed to furnish information of value to those who enact and administer our laws. Important changes have been made during the summer months, which will render it more convenient for your consultation and use. A new dictionary catalogue has been carefully prepared. The need of additional shelf room, and other suggestions in the annual report of the librarian, are referred to your notice.

LABOR.

The laws in regard to the inspection of factories, the schooling of factory children, and the hours of labor, were passed for the protection, and affect directly the daily life, of a great body of our people. Every large consideration requires their enforcement. This was committed by the last legislature to the district police; and I refer to you the report of the chief of that force, with its statement of his work done in this behalf. I recommend that the inspectors, whose duty is distinct from that of police, be made a separate department under the same head, but charged solely with the duties of inspection, and the enforcement of the laws connected therewith. This would involve no additional expense, and would, I believe, be more satisfactory to all whose interests are concerned. No legislation is necessary to increase the number of inspectors, as that is provided for by the present law.

In this connection I call your attention to the recommendation of my predecessor that wages due for labor be exempt from attachment.

INSURANCE.

The extent of this branch of business is indicated by the fact that the risks now annually written in Massachusetts alone aggregate nearly or quite \$800,000,000, on which almost \$12,000,000 in premiums are each year collected from our citizens.

Under the provisions of chap. 104 of the Acts of 1878, the insurance department is gathering a variety of statistics from the municipalities of the Commonwealth, for the purpose of determining, if possible, a more intelligent and trustworthy standard of fire experience than any yet secured. With this, and with the passage and enforcement of proper building laws, we may expect also a material prevention of fires and consequent diminution of the heavy losses so constantly occurring.

In the matter of life insurance, while Massachusetts has scrupulously avoided hasty and embarrassing enactments, there has been a growing demand for some law regulating the non-forfeiture of life policies, which shall be more satisfactory in its application than the Statute of 1861. Realizing such necessity, the legislature of 1879, by a special resolution, referred this whole matter to the Insurance Commissioner, with instructions to confer with officials of other States, and report at this session. This subject, with possibly others of kindred interest, will require careful and intelligent consideration.

LIQUOR LEGISLATION.

The present law with regard to the sale of intoxicating liquors, which is prohibitory except in those municipalities that authorize the granting of licenses, would, in my judgment, be improved and made more democratic by an amendment transferring directly to the people the option whether licenses shall be granted or not. The election of municipal officers should not turn, as it now too often does in many places, on this sole issue.

With regard to the whole subject of which the foregoing is a single feature, I should not be candid if I did not say that my own sympathies are with that great body of men and women throughout the Commonwealth, who, having its best interests at heart, believe that the remedy

of the evil must sooner or later be found in the line of its prohibition, and who cannot reconcile themselves to giving it the sanction of the State. I recognize, however, that the law must be such that "the people will see to and aid in its enforcement;" and the matter is for you as the representatives of the popular will. But while crime, insanity and pauperism, caused by intemperance, fill our public institutions, and make heavy the burdens of taxation, though the reform must be slow, and its best agencies those of moral influence and personal example on the part of those who have most at stake, legislation none the less, to the full extent to which it can command or lead public sentiment in its support, must supplement and forward the work. Whatever the law on this subject, it should, at least, be thoroughly enforced; and the same may indeed be said of other criminal statutes. The laying of indictments on file is often necessary, but I suggest to you the propriety of giving the judges a supervision of their disposition. This, I cannot help thinking, would not only be a relief to the district attorneys, but tend also to still better insure the searching and impartial enforcement of all the criminal laws.

STATE AID UNDER ACTS OF 1879.

Disbursements under chapter 252, which is "An Act for the benefit of poor and indigent soldiers and sailors," began in May.

The number of cities and towns reporting aid under this Act is 175. The disbursements for the six months ending October 31, amount to \$38,281.01. Half of that amount will be reimbursed by the State, the cost to which, for the full year, is estimated at not exceeding \$50,000.

Chapter 301 is an Act by which invalid pensioners and dependent relatives receive aid, and is a revision of former statutes relating to the same subject. It took effect June 1st, and in nearly every city and town the expenditures have materially decreased.

For the five months previous to that date 175 cities and towns expended	\$87,445 72
For the five months since	72,435 20
Showing a decrease of	<u>\$15,010 52</u>

From these figures it is estimated that the total expenditures under this Act will be lessened some \$50,000 annu-

ally. It is claimed that this saving has deprived no worthy soldier or sailor, or dependent relative, of the measure of assistance intended by the law; and if it shall amount to the sum expended under chapter 252, both laws may be considered beneficent and wise.

It is claimed, as a matter of impartial justice, that the benefits of chapter 252 should be extended to the 90 and 100 days' men and the three months' men, enlisted in 1861 and 1864; and also that legislation is necessary on the subject of the settlement of soldiers serving less than a year on the quota of any city or town. I commend these claims to your consideration.

TAXATION.

The question of just and equal taxation will, I presume, engage your attention. On the one hand, to get rid of double taxation is not to lighten the aggregate burden, which is only shifted from one shoulder to another, even though its weight be more equitably distributed. On the other hand, that double taxation exists is capable of mathematical demonstration; and double taxation is unjust because it is paying twice. It is not altogether true to say that it is the ability to pay that is taxed; for the anomaly is not infrequent of one man of the greatest ability taxed extravagantly little, and another taxed for actually more than he is worth, if the balance of his assets were struck. The true theory undoubtedly lies in attaching the tax to actual visible property, and not to its shadow or to credits based upon it. Laid on actual things, the tax would still diffuse itself, seeking its level like water, and compelling every consumer and purchaser to bear his just and equitable share of its burden. Deal with real things, and the problem of taxation is as simple as measuring length with a yard-stick. Pass to credits, and they are elusive as the forms and colors in a kaleidoscope. The truth of this theory, I think, nobody doubts. The difficulty is in overturning a settled system, which, under the elastic application of good men and true, means to do about right and to deal out as even a justice as it can. It is a very doubtful question whether, even if you could, you would dare at once the risks and hardships that would attend an abrupt change. Certainly, if you attempt to cover the whole field, you will very likely fail on every point. If you will take one step, and only one this year, you will have achieved enough, even though the first step demands, logically, the taking of every other as well. Besides, your successors

will then be in a position, if the evil results shall follow which some portend, to repair the mischief with the smallest loss.

On the other hand, I refer to you a suggestion made to me by some who are of the opposite way of thinking. However meritorious, its adoption would tend to confirm, it seems to me, the present system rather than be a step towards a new one. It is:—

“ That the class of owners for whom relief is most to be desired is that of the owners of homesteads of inoderate cost ; that a policy which shall encourage the ownership of the family dwelling by its occupant is of immeasurable benefit in its effect upon the individual owner and upon the community at large ; that a solution of the problem may perhaps be found in the exemption of homesteads from taxation to a moderate amount ; and that this will not increase the apparent rate of taxation any more than the exemption of mortgaged loans ; that it will directly relieve the class which should receive relief ; that it will not tend to encourage a perpetuity of debt as does an exemption of encumbered estates only ; that it will have no effect to induce unreasonable speculation in land ; and that it can be made without any general recasting of a system of taxation which has stood so long.”

THE STATE PRINTING.

Differences of opinion have arisen during the past year between the governor and council and the State printers, concerning the application of the contract for the execution of the State printing and binding. Full hearings have been had. The State printers have claimed that the construction of the contract put upon it by the executive department subjects them to an actual loss. But the governor and council have not felt at liberty to vary in any way their construction of its terms in behalf of the State printers, or to relieve them from their obligations under it. If they shall ask for a modification of its terms, it should be made more specific in every detail. In that case, too, I recommend that you consider the propriety of buying the State's paper—some hundred thousand pounds a year—upon bids in the open market, and of providing for its purchase. It was the opinion of my predecessor that statement should be made to you of the questions that have arisen in this regard, of the efforts and inability of himself and his council to settle them satisfactorily to all parties, and of the propriety, if you see fit and the State printers desire, of making the whole matter more definite.

POLICE.

I would ask you to consider the propriety of enabling municipalities to draw on one another, under proper regulations, for police aid in cases of necessity. This would furnish each of them in an emergency with an efficient and disinterested force; it would meet that demand for a special State or metropolitan police which is constantly cropping out, and it would wisely make still more remote the possibility in any case of that appeal to the military arm, the suggestion of which should be only in the very last resort.

CONSTITUTIONAL AMENDMENTS.

A resolve was agreed to last year for a constitutional amendment, providing for biennial elections of State officers, senators and representatives, and for biennial sessions of the legislature. I have questioned the expediency of such a change; but it is one on which public sentiment has been growing, and should be submitted to the people for their final decision.

I trust you will agree to another resolve, also agreed to last year, for a constitutional amendment to the effect that "no soldier having served in the army or navy of the United States in time of war and while he was a citizen of this Commonwealth, and having been honorably discharged from said service, if otherwise qualified to vote, shall be disfranchised therefor on account of his being a pauper."

Believing that suffrage is a right, I should follow my predecessor in recommending that a constitutional amendment giving it to women, be submitted to the people for final decision by them, were it not that last year an act was passed empowering women to vote for members of school committees, thereby furnishing a practical though partial trial of the whole question. If the result shall tend to disprove many of the objections that have been raised on the score of expediency, as I believe it will, I cannot help thinking that the cause of woman suffrage will be better subserved at present by the test of thus attaching it to a specific subject than by a reiteration here of the usual and familiar discussion of the general question, to be followed by the usual result.

I suggest, for your consideration, the expediency of a constitutional amendment, providing that the executive council shall consist of those heads of departments who are elected by the people. Even as at present, their pres-

ence is demanded in the council chamber much of the time. The work of visitation and inspection, to which councillors have been wont to attend, is now also done by other bodies charged specially with that work. The duties of concurring in the granting of pardons, and of confirming appointments, which are almost the only ones now exclusively left to the council, ought to be as well performed by a board constituted as I have suggested, with whom, also, the advisory function could be as safely intrusted.

THE JUDICIARY.

I know of no way by which the crowded docket of the Supreme Judicial Court can be relieved, and its business expedited, so simply and thoroughly and with so little interference with our present judicial system, as by transferring to the Superior Court all causes of marriage, divorce and alimony, as well as petitions for support of the wife under the Act of 1874. An increase of judges is not desirable, nor would you establish a new court. Important as is the relief of the Supreme Judicial Court in the interest of the despatch of its business, I know of no tribunal except the Superior Court to which so important a jurisdiction should be transferred.

THE SECRETARY'S DEPARTMENT.

The pamphlet entitled General Laws and Resolves might well contain all acts and resolves passed during the session. This would help to supply the demand for the Blue Book, which costs far more, and would not, it is estimated, add over seven per cent. to the present expense of the pamphlet edition.

The secretary's department labors under disadvantages for want of space sufficient for the proper disposition of the archives, the arrangement and preservation of which have had his special attention, and are of great importance.

OTHER TOPICS.

The necessity for legislation for insuring accuracy in the counting and return of ballots ; —

For protecting the community against medical impostors ; —

And for the better enforcement of the penalties against gaming, — has been urged upon my attention, and I respectfully refer it to yours.

Senators and Representatives :

This hundredth year of enlightened growth vindicates the wisdom of the Constitution under which we meet to-day as the representatives of a thriving, intelligent, free, and happy people. The Commonwealth is prosperous; its official departments are in good working order; its expenses have been reduced. The incisive work of last year, and the necessity of longer trial to test the wisdom of the changes then made, and which I trust you will be slow to reconsider, convince me that your session well may and ought to be brief, and that I should not cumber you with many suggestions. You will certainly do nothing to lower the standard of economy or efficiency. Wherever the treasury can be guarded, there is your duty and mine. Above all, the public debt, but for the interest on which no general State tax would be necessary and the savings banks tax could be reduced, must not be increased by a single dollar. If there is less opportunity for specific retrenchment, let us especially avoid the risk, that always attends a reviving prosperity, of committing the Commonwealth to extravagant outlays or participation in undertakings foreign to the limited purposes of a State.

But a higher trust than the material thrift of Massachusetts is the maintenance of her ancient honor and of her advanced humanity. In your efforts to further all these, I shall be glad to co-operate. I congratulate you, representatives of the sacred rights and interests of the great body of the people, upon your entrance on your duties. And with a grave sense of the responsibility I enter on my own.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the Senate, January 16.]

I have the honor to transmit herewith, for the information of the General Court, resolutions of the Legislature of New Hampshire in reference to closing up the Centennial Exhibition held in Philadelphia in 1876, and also resolutions of the General Assembly of Connecticut, concerning the jurisdiction of United States Courts over municipal corporations.

[To the House of Representatives, January 16.]

I have the honor to transmit herewith, for the information and use of the General Court, the annual reports for 1879 of the Trustees of the State Almshouse; the Trustees of the State Workhouse; the Trustees of the State Primary and Reform Schools; the Trustees of the State Lunatic Hospital at Worcester; the Trustees of the Temporary Asylum for the Insane; the Trustees of the State Lunatic Hospital at Taunton; the Trustees of the State Lunatic Hospital at Northampton; the Trustees of the State Lunatic Hospital at Danvers; the Treasurer and Superintendent of the Massachusetts Employment Bureau for Disabled Soldiers; and the Chief of the District Police. Also the report of the Governor and Council in compliance with section 3, chapter 258, Acts of 1879, concerning the Massachusetts Agricultural College.

[To the House of Representatives, January 20.]

I have the honor to transmit herewith, for the information of the General Court, and for such action as may be found necessary, a communication from the Superintend-

ent and Trustees of the State Almshouse at Tewksbury, reporting the destruction by fire of one of the principal outbuildings of the institution on the 19th inst.

[To the Senate, January 21.]

I have the honor to transmit herewith to the General Court a report of the pardons granted in 1879, left with me by my predecessor in office.

BY HIS EXCELLENCY THOMAS TALBOT.

[To the Senate and House of Representatives, January 8, 1880.]

I have the honor herewith to present, in compliance with chapter 50 of the Resolves of 1860, a report of the pardons issued by the Governor and Council during my administration. The number of convicts thus discharged is fifty-one, of whom ten were in the state prison, thirty-seven in houses of correction, one in the reformatory prison for women, one in jail, and two in the house of industry at Deer Island. Fatal sickness was the controlling reason for pardon in fifteen cases, and insanity in three.

Every pardon granted contained the condition, that, if the person to whom it was issued should, before the expiration of his sentence, be convicted of any crime punishable by imprisonment, he should be held to serve out the remainder thereof.

NO. 1. DANIEL REARDON. Crime, assault with intent to kill. Convicted in the Superior Court, Middlesex County, July 20, 1876, and sentenced to the state prison for five years. Pardon granted January 15, 1879. Reardon was in the last stages of consumption, and died January 18.

NO. 2. WILLARD S. HIGGINS. Crime, bigamy. Convicted in the Superior Court, Suffolk County, June term, 1878, and sentenced to the house of correction for one year. It appeared to the committee on pardons that the second marriage was devoid of criminal intent, and was entered into in good faith by both parties. Higgins was therefore pardoned January 31, after serving about seven months.

NO. 3. DANIEL FLYNN. Crime, violation of the liquor law. Convicted in the Superior Court, Middlesex County, November 14, 1878, and sentenced to three months in the house of correction, and to pay a fine of one hundred dollars and costs. Pardoned March 1, 1879. Practically this pardon was but a partial remission of the fine, Flynn having completed his term of imprisonment, and also two weeks of the time required to serve out the fine and costs. The fine and costs he was utterly unable to pay. He had

a wife and seven children destitute and dependent on him, and his discharge enabled him to obtain immediate employment at honest labor. Among the petitioners for pardon were the selectmen of the town where the offence was committed, and the justice by whom the sentence was imposed.

NO. 4. PHILIP RILEY. Crime, larceny. Convicted in the Lowell Police Court, August 12, 1878, and sentenced to one year in the house of correction. Pardoned March 1, 1879. Riley was a weak-minded youth, who, under the temptation of easy access, stole a small sum of money from his father at home. The father, exasperated, entered a complaint, and asked the judge to impose the longest possible sentence, which was done. After the boy had been confined about six months, the father relented; and on his petition, strengthened by the recommendation of the judge, a pardon was granted.

NO. 5. STEPHEN TURNER, Jun. Crime, assault. Convicted in the Superior Court, Barnstable County, April term, 1878; sentenced to the house of correction for two years. Pardoned March 26, 1879. This case was investigated by the Council of 1878, who found that extenuating circumstances justified a pardon at the close of the first year of the term. This judgment a careful examination by the Council of 1879 confirmed.

NO. 6. JOHN CURTIN. Crime, receiving stolen goods. Convicted in the Superior Court, Essex County, March 1, 1878; sentence, two years and a half in the house of correction. Pardoned April 5, 1879. The chief reason was, that the city marshal of Salem, upon whose testimony Curtin was convicted, came before the committee on pardons, and stated that facts had been discovered since the trial which convinced him of Curtin's innocence.

NO. 7. JOHN CONNELL, *alias* JOHN SLATTERY. Crime, larceny. Convicted in the Superior Court, Suffolk County, December term, 1878; sentence, two years in the house of correction. Pardoned April 11, 1879, on account of fatal sickness.

NO. 8. THOMAS MONAHAN. Convicted in the Superior Court, Worcester County, October 28, 1877, of breaking and entering, and sentenced to the state prison for three years. Pardoned April 15, 1879. It appeared that the offence was committed in the daytime, and with a mischievous, not a felonious purpose. His pardon was asked for by the selectmen and citizens of the town in which the crime occurred (Sterling), by the selectmen and citizens of the

town of Monahan's residence (Ashburnham), by the man whose house was broken into, and was recommended strongly by the district attorney.

NO. 9. CLARK FAIRBANKS. Crime, arson. Convicted in the Superior Court, Worcester County, October term, 1861, and sentenced to the state prison for life. Pardoned April 18, 1879, only to be removed to an asylum, having become hopelessly insane.

NO. 10. JAMES D. HALL. Crime, assault. Convicted June 14, 1878, Superior Court, Suffolk County, and sentenced to the house of correction for two years. Hall became insane, and while in the hospital went into consumption; for which reason, and upon the recommendation of Dr. Clement A. Walker, Dr. Brown of the Taunton Hospital, and Mr. Wrightington, General Agent of the Board of State Charities, he was pardoned April 18, 1879.

NO. 11. BARTLETT M. BRAMHALL. Crime, obtaining money under false pretences. Convicted in the Superior Court, Suffolk County, July term, 1878; sentence, one year in the house of correction. Pardoned April 25, 1879. There were mitigating circumstances in the case, which, had they been presented at the trial, as they would have been had Bramhall possessed the means to procure counsel, would undoubtedly have lightened the sentence. His pardon was favored by the complainant and by the district attorney, and strenuously urged by Dr. Walker, physician of the house of correction.

NO. 12. JOHN KELLY. Crime, perjury. Convicted in the Superior Court, Middlesex County, February term, 1877; sentenced at the February term, 1878, to two years in the house of correction at East Cambridge. Kelly was convicted in November, 1876, of assault and battery; and his perjury consisted in swearing to his innocence in that case. His sentence for the assault and battery (six months) expired in May, 1877; but, pending a decision on exceptions taken by his counsel in the perjury case, he was held in confinement nine months longer, when, the exceptions being overruled, he was sentenced to two years' additional imprisonment. It appeared in evidence before the committee on pardons, that the judge who imposed the last sentence was not aware of this nine months' duration; and as the perjury was not of great enormity, affecting neither life nor property, it seemed but just to count the nine months as a part of the two years' term. A pardon was accordingly issued May 1, 1879.

NO. 13. PATRICK J. EGAN. Crime, assault. Con-

victed in the Police Court, Lee, November 16, 1878, and sentenced to the house of correction for six months. Pardoned April 25, 1879, on the recommendation of the judge, who certified that facts had come to his knowledge since the trial, which, if before him at that time, would have lightened the sentence.

NO. 14. D. WEBSTER ARNOLD. Crime, assault and battery. Convicted in the Superior Court, Norfolk County, December 11, 1877, and sentenced to the house of correction for one year and a half. Pardoned April 25, 1879. Arnold had a good reputation before his transgression. His pardon was asked for by many of the most prominent citizens of Braintree, and there was no opposition. By his discharge only six weeks of his term were remitted; and he was enabled to obtain immediately employment necessary to the support of himself and his family.

NO. 15. MARGARET McDONOUGH. Convicted of assault and battery, April 10, 1879, in the Municipal Court, Boston, and fined five dollars and costs, in default of the payment of which she was committed to the house of industry for forty days. She was a quiet, respectable, industrious woman, and her offence consisted in striking a notoriously quarrelsome and drunken neighbor in retaliation for grossly abusive language. Pardoned April 25 on the recommendation of the Boston Board of Directors for Public Institutions, the officer who made the arrest, and the judge who tried the case.

NO. 16. GEORGE POTTLE. Crime, breaking and entering, and stealing. Convicted in the Superior Court, Essex County, February 8, 1878; sentence, two years and a half in the house of correction at Lawrence. Pardoned May 2, 1879. It appeared that Pottle and another young man, while on a spree, broke into several unoccupied summer-houses, and carried away a few carpenter's tools of small value. Both were indicted; but, while the case against Pottle's companion was placed on file, Pottle, who was a stranger and without counsel or friends, received a sentence, which, under the circumstances, seems severe. His pardon was favored by the authorities of Gloucester, where the offence was committed, by the city marshal who prosecuted the case, by the persons whose property was injured, and was opposed by nobody.

NO. 17. WILLIAM H. DALRYMPLE. Crime, polygamy. Convicted in the Superior Court, Essex County, February 25, 1878, and sentenced to the house of correction for two years. Pardoned May 23, 1879. There were extenuating

circumstances in the case; the prisoner's health had become impaired by confinement; the petition for executive clemency was signed by the Hon. George B. Loring, the Hon. Charles P. Thompson, the Hon. John K. Tarbox, W. D. Northend, Esq., William Cogswell, Charles S. Osgood, Esq., George Wheatland, R. E. Harmon, Esq., Willard P. Phillips, Esq., and other prominent gentlemen who were familiar with the case, and was urged with great earnestness by ex-Mayor Calley of Salem, by whom it was represented that the sentiment of the community in which Dalrymple had lived was strongly in favor of a pardon.

No. 18. PHILIP DALORY. Crime, assault and battery. Convicted in the Superior Court, Norfolk County, December 20, 1877, and sentenced to the house of correction for two years. Pardoned May 22, 1879. Reason, fatal sickness.

No. 19. JOSEPH E. KYLE. Crime, breaking and entering. Convicted in the Superior Court, Suffolk County, September term, 1878, and sentenced to the house of correction for two years. Pardoned May 22, 1879. Reason, fatal sickness.

No. 20. WILLIAM A. SHERMAN. Crime, larceny. Convicted October 9, 1878, Superior Court, Barnstable County, and sentenced to the house of correction for sixteen months. Pardoned June 9, 1879, upon the recommendation of the district attorney, and also on ample evidence that a sentence of only eight months was intended.

No. 21. ELMER GOUCH, *alias* EDWARD P. MORRILL. Crime, breaking and entering, and stealing. Convicted October 26, 1878, Superior Court, Essex County, and sentenced to the state prison for seven years. Gouch cut his throat in a fit of despondency, and, being mortally wounded, was pardoned at the request of his mother June 4, 1879. He died June 10.

No. 22. LAWRENCE QUINLAN. Crime, breaking and entering. Convicted in the Superior Court, Suffolk County, November term, 1877, and sentenced to the house of correction for two years and a half. Pardoned June 7, 1879, on certificates from the physician, Dr. Walker, that the convict was in the last stages of consumption.

No. 23. MICHAEL DRISCOLL. Convicted in the Police Court, Cambridge, May 3, 1879, of drunkenness, for which he was fined two dollars and costs (with the alternative of thirty days' imprisonment); and of assaulting a police officer, for which he was sentenced to thirty days in the house of correction. He failed to pay the fine, and was

accordingly committed for a term of sixty days in all. At the expiration of thirty days his friends petitioned for his pardon, agreeing to pay the fine and costs; and, as this was substantially the fulfilment of the law, a pardon was granted June 7, 1879.

NO. 24. ARTHUR MACOMBER. Crime, breaking, entering, and larceny. Convicted December 30, 1876, in the Superior Court, Hampshire County, and sentenced to the house of correction for five years. Pardoned June 30, 1879. The sentence in this case was manifestly excessive. The district attorney expressed his conviction that there must have been some misunderstanding on the part of the court about the facts of the case at the time of the sentence; and he, with the district attorney who prosecuted the case, the officer who made the arrest, the man whose property was taken, and the community in Northampton generally, united in requesting executive clemency. A pardon was accordingly issued, to take effect at the expiration of one-half the sentence.

NO. 25. JOHN SULLIVAN. Crime, larceny. Convicted May 29, 1878, in the Superior Court, Hampden County, and sentenced to the house of correction for sixteen months. Pardoned June 24, 1879, on the certificate of the physician of the house of correction that the convict was in a critical condition, and likely soon to die.

NO. 26. JAMES A. CHALK. Crime, participating in a riot. Convicted June 6, 1877, in the Superior Court, Worcester County, and sentenced to the house of correction for two years and nine months. The offence was committed at Westborough Reform School, of which Chalk was an inmate, and the trustees of the institution turned him over to the courts. Upon the official and formal recommendation of these trustees, and also upon the recommendation of the district attorney and the sheriff of Worcester County, a pardon was granted, to take effect at Chalk's majority, July 1, 1879.

NO. 27. WILLIAM JONES. Convicted of rape, in the Superior Court, Suffolk County, at the August term, 1872, and sentenced to the state prison for fifteen years. A very careful investigation by the Governor and the committee on pardons showed beyond a reasonable doubt that Jones was guilty only of an indecent assault. In consideration of the fact that he had been in prison nearly seven years, and upon the recommendation of the foreman of the grand jury who found the indictment, the officer who made the arrest, and the judge who imposed the sentence (Devens), a pardon was granted June 30, 1879.

No. 28. **GEORGE F. LAVERTY.** Crime, larceny. Convicted in the Central District Court, Worcester, March 4, 1879, and sentenced to the house of correction at Fitchburg for one year. Pardoned June 30, 1879, for the performance of a surgical operation which, as certified by the master and the physician, was of immediate and imperative necessity, and could not be successfully done in the house of correction.

No. 29. **WILLIAM EASTMAN.** Convicted of breaking and entering: Superior Court, Middlesex County, June term, 1878, and sentenced to the house of correction for two years. Pardoned July 14, 1879. It appeared upon investigation that Eastman was a dupe, and not a ready accomplice in the crime; and a pardon was earnestly recommended by B. B. Johnson, Esq., trial justice, who had examined the case, by the selectmen of Weston (Eastman's residence), by the arresting officer, by the party whose property was injured, and by the district attorney.

No. 30. **CORNELIUS SULLIVAN.** Crime, breaking and entering. Convicted in the Superior Court, Middlesex County, February 19, 1878, and sentenced to the house of correction for two years. Pardoned July 14, 1879, on account of a complicated disease of the eyes, which, the physician certified, would be aggravated by longer confinement, so as to threaten total blindness.

No. 31. **JOHN I. RINGOLD.** Crime, larceny. Convicted in the Superior Court, Worcester County, January term, 1879, and sentenced to the house of correction for eighteen months. Pardoned July 14, 1879. Reason, fatal sickness.

No. 32. **JAMES REARDON.** Crime, resisting an officer. Convicted in the Superior Court, Middlesex County, March 12, 1879, and sentenced to the house of correction for one year. Pardoned July 21, 1879. It appeared that Reardon was arrested for being noisy on the street, and resisted because he believed the officer had no right to take him without a warrant. The offence was a slight one of its kind, and his pardon was favored by the people of Arlington generally, and requested by the selectmen, the assaulted officer, and the chief of police.

No. 33. **JOHN ESTES, Jun.** Crime, breaking and entering. Convicted in the Superior Court, Berkshire County, January term, 1878, and sentenced to the state prison for three years. Pardoned July 21, 1879, on account of fatal sickness.

No. 84. JOHN B. CURRAN. Crime, assault and battery with a pistol. Convicted in the Superior Court, Suffolk County, September, 1878, and sentenced to the house of correction for two years. Pardoned July 24, 1879, on account of fatal sickness.

No. 35. JOHN LYNCH. Crime, breaking and entering. Convicted in the Superior Court, Suffolk County, January, 1879, and sentenced to the house of correction for two years. Pardoned July 24, 1879, on account of fatal illness.

No. 36. LAWRENCE FINNEGAN. Crime, robbery. Convicted in the Superior Court, Suffolk County, November, 1871, and sentenced to the State Prison for ten years. Pardoned July 31, 1879. It appeared that Finnegan had but a few months longer to serve, deducting his "good-behavior time;" that he was but seventeen years old at the time of conviction, and was a skilful and faithful workman; that he could have employment immediately upon his discharge; and that the executive clemency would be likely to aid his reformation and salvation, and would not be detrimental to the public interest.

No. 37. FRANK KEEVAN. Crime, embezzlement. Convicted in the Municipal Court, Roxbury, March, 1879, and sentenced to the house of industry for six months. Pardoned July 31, 1879, at the urgent request of the party from whom the boy embezzled, re-enforced by the recommendation of the judge, based upon evidence that the degree of guilt was very light, and that a pardon was a wise measure of reformation.

No. 38. JOHN COYLE. Convicted of drunkenness and malicious mischief, in a Trial Justice's Court, Dedham, June 16, 1879, and sentenced to pay a fine of three dollars and costs for drunkenness, and twenty-five dollars and costs for malicious mischief. Being without counsel, friends or money, he was compelled to suffer the alternative of imprisonment, amounting in all to four months. It appeared, upon a hearing, that Coyle had previously borne a good character, that his offences were trifling of their kind, and that his former employer was ready to give him work. For these reasons, strengthened by the recommendation of the trial justice, Coyle was pardoned August 14, 1879.

No. 39. JOHN GILLIGAN. Crime, larceny. Convicted in the Superior Court, Suffolk County, March term, 1879, and sentenced to the house of correction for six months. Gilligan became dangerously sick, and, having but a few days longer to serve, was pardoned September 15, 1879.

No. 40. JOHN F. FLEMING. Crime, assault and bat-

tery. Convicted in the Municipal Court, South Boston, July 12, 1879, and sentenced to the house of correction for three months. Fleming's former employers appeared before the pardon committee, and testified to his industry and sobriety, and offered to take him again into their service at good pay. It appeared also, that the assault was committed under strong provocation; and the judge reported to the committee, that, had the facts been fully presented to him at the trial, the sentence would have been much lighter. Fleming was accordingly pardoned September 29, 1879.

No. 41. WILLIAM A. AYLESBURY. Crime, larceny. Convicted in the Superior Court, Suffolk County, March term, 1879, and sentenced to the house of correction for one year. Pardoned September 29, 1879. The grounds of clemency were, that the prisoner was a boy of weak constitution, both physical and mental; that the crime was a petty one, consisting of the theft of a banjo; that the lower court, from which he appealed, gave him a term of but six months, which he had already exceeded; and that his pardon was recommended by the city marshal of Chelsea, at whose instance the boy was arrested.

No. 42. JOHN DEAN. Crime, robbery. Convicted in the Superior Court, Suffolk County, November term, 1873, and sentenced to the state prison for ten years. Dean, who was very young, in company with another youth snatched a small sum of money from a person on the street. In consideration of his age, of his having served nearly six years of his term of imprisonment, of an offer by his former employer to give him work, and of the earnest assurances of the Hon. M. J. Flatley that executive clemency would undoubtedly aid in the reformation of the prisoner, a pardon was granted September 29, 1879.

No. 43. ZACCHEUS POCKNET. Crime, assault and battery. Convicted in the Superior Court, Barnstable County, October term, 1878, and sentenced to the house of correction for fifteen months. His term was made up of two sentences,—one of twelve and the other of three months. Both were for practically the same offence. As he had served twelve months, as the assaulted parties were but slightly injured, as Pocknet was usually a quiet and peaceful Indian, as his family was dependent on charity for their support, and as his discharge would enable him to take advantage of the cranberry harvest season to earn a subsistence for himself and them for the winter, he was pardoned October 6, 1879.

No. 44. CATHERINE KING. Convicted of assault in the First Bristol District Court, September 24, 1879, and sentenced to the Taunton jail for sixty days. Pardoned October 18, 1879, upon a certificate from the judge that facts which had transpired since the trial had convinced him of her innocence.

No. 45. THOMAS G. CURRAN. Crime, larceny. Convicted in the Superior Court, Worcester County, February term, 1878, and sentenced to the house of correction for two years. Having served five-sixths of his term, he was pardoned October 20, 1879, on the very earnest recommendation of the district attorney and the sheriff of Worcester County.

No. 46. CORNELIUS CARROLL. Crime, larceny. Convicted June 2, 1879, in the Municipal Court, South Boston, and sentenced to the house of correction for six months. The complainant was the boy's father, who, subsequently regretting his course, and finding himself at the point of death, begged earnestly for his son's release. In view of these circumstances, and upon the recommendation of the judge, a pardon was granted October 20, 1879.

No. 47. CHARLES P. LOGAN. Crime, larceny. Convicted in the Superior Court, Middlesex County, November, 1878, and sentenced to the house of correction for two years and six months. Pardoned November 17, 1879, upon a statement by the district attorney, that but for an erroneous impression as to the boy's age, he would have been sent to a reformatory, and upon assurances that he would be sent to his mother in Florida, and placed under salutary influences.

No. 48. JOHN WALKER. Crime, assault and battery. Convicted in the First District Court, Plymouth County, October 23, 1879, and sentenced to the house of correction for three months. Pardoned November 21, after serving thirty days, upon a statement from the judge that that term would have been his sentence if the case had been better known to him. A pardon was recommended also by the county commissioners.

No. 49. JACOB MELVIN. Crime, breaking and entering. Convicted in the Superior Court, Suffolk County, June term, 1878, and sentenced to the state prison for three years. Pardoned November 21, 1879, on account of fatal sickness.

No. 50. JOSEPH E. O'CONNOR. Crime, breaking and entering. Convicted in the Superior Court, Middlesex County, July 19, 1875, and sentenced to the state prison

for seven years. O'Connor was of an honest and respectable family, but while quite young contracted the habit of drinking, and through it fell into the company of some hard characters, by whom he was led to commit the crime. Upon the petition of many prominent citizens of Lowell, where the crime was committed, especially that of the party whose store was broken into, in consideration of the convict's youth, of his previous good record, and of his having served four years and five months of his term, and upon evidence of reformation, and the assurance that he would be kept carefully under good influences hereafter, he was pardoned January 24, 1879.

No. 51. MARY J. BURNS. Crime, larceny. Convicted in the Superior Court, Suffolk County, June 10, 1878, and sentenced to the reformatory prison for women for two years. Having become imbecile, and her removal to friends in England being promised, she was, upon the recommendation of the prison commissioners, pardoned January 6, 1880.

[To the House of Representatives, January 29.]

I have the honor herewith to present, for the consideration of the General Court, the annual report of the Adjutant-General of the Commonwealth for the year ending December 31, 1879, made to my predecessor.

[To the Senate, February 3.]

I have the honor herewith to transmit, in compliance with the request of your honorable body contained in an order adopted on the 2d inst., a copy of the award of the arbitrators in the matter of the differences between the State and the Fitchburg Railroad Company relating to the contract or agreement concerning the operation of the Troy and Greenfield Railroad.

I transmit also the detailed papers which were put into the case before the arbitrators by the parties (numbered 1 to 26 inclusive); also papers (numbered 27 and 28) which were not put into the case, but are summaries since made up by the parties.

[To the Senate, February 12.]

I have the honor herewith to transmit, for the consideration of the General Court, the seventeenth annual report of the Massachusetts Agricultural College.

[To the House of Representatives, February 25.]

I have the honor herewith to transmit, for the consideration of the General Court, a communication from the Secretary of the Treasury of the United States, requesting the passage of an Act ceding to the United States title to and jurisdiction over a submarine site for a lighthouse on Borden's Flats, Mount Hope Bay, opposite Fall River, Mass.

[To the House of Representatives, March 11.]

I have the honor to acknowledge the receipt of the following order, adopted by both branches of the General Court:—

Ordered, That his Excellency the Governor be requested to furnish to the legislature any information he may have in relation to the freight traffic passing through the Hoosac Tunnel from the West, and what the probabilities are that this traffic may be diverted from the Hoosac Tunnel to the Boston and Albany Railroad.

I have no other information in regard to the matter than that obtained from the contract, dated February 3 last, between the Boston and Albany Railroad and the New York Central and Hudson River Railroad, which has already been laid before the legislature; and from Mr. G. Clinton Gardner, manager of the Troy and Greenfield Railroad and Hoosac Tunnel, who writes me, that, "being in New York City at the time of the inquiries as to the intention of the New York Central Railroad to withdraw their business from the Troy and Greenfield Railroad, I called upon Mr. Vanderbilt, President N. Y. C. R. R., and also Mr. Jewett, President N. Y., L. E. and W. Railway, and ascertained that there would be no immediate diversion of the freight traffic from the tunnel."

[To the Senate and House of Representatives, March 15.]

I announce to the General Court with great regret the creation of a vacancy in the board of State directors of the Boston and Albany Railroad by the death of David N. Skillings of Winchester, who was elected February 26, 1879, for the term of two years.

[To the Senate and House of Representatives, March 19.]

I have the honor herewith to present, for the consideration of the General Court, a copy of certain resolutions in relation to the northern boundary line of the State of Rhode Island, passed by the General Assembly of Rhode Island, and transmitted to me by the Governor of that State.

I am notified, also, by the Governor of Rhode Island, that he has, with the advice and consent of the Senate, appointed as the commission provided for by said resolutions, Messrs. Francis B. Peckham, jun., of Newport, Robert Sherman of Pawtucket and William S. Haines of Providence.

[To the House of Representatives, April 2.]

I have the honor herewith to transmit, for the consideration of the General Court, a copy of a communication from the Hon. William A. Courtenay of Charleston, S.C., chairman of the committee of arrangements for the Cowpens centennial celebration, proposing a plan for the co-operation of the thirteen original States in erecting a commemorative column on the battle-field.

[To the Senate, April 13.]

I have the honor herewith to transmit, for the information and use of the General Court, the annual report of the commissioner of the Mystic River Corporation.

[To the Senate and House of Representatives, April 14.]

I have the honor herewith to transmit, for the consideration of the General Court, the enclosed communication from the Executive of the State of Maine, suggesting the conveyance by this Commonwealth to that State of a certain reservation in Township No. 17, Range 7, for the purpose of enabling the State of Maine to give the settlers on said reservation a clear title to their lands.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties: —

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
Jan. 13	Alfred Spurr *	Frank Leon Phelps	Boston.
13	Julia Sabbatee *	Julia Addie Pike	Boston.
Feb. 3	Julia Viola Pike	Viola Jay Merrill	Boston.
3	Grace Flowers *	Helen Edith Aldrich	Boston.
3	Jennie Richards *	Grace Phelps Woodbridge	Boston.
17	Daniel Graham *	William Elmer Clark	Boston.
17	Hannah Hallason *	Annie Gwynne Applebee	Boston.
17	Frances Farrell *	Effie May Buffum	Boston.
March 3	Helen Allen *	Helen Lydia Frost	Boston.
8	Louia Thomas Chase *	Louia Chase Dennett	Boston.

8	William Cody *	.	.	.	William Boyd Roberts	.	.	Boston.
8	Ina Rosabel Marabfield *	.	.	.	Ina Rosabel Bond	.	.	Boston.
10	Josephine A. Murphy	.	.	.	Josephine A. Ayers	.	.	Boston.
10	Henry Grunbaum	.	.	.	Henry Green	.	.	Boston.
10	Julia Grunbaum	.	.	.	Julia Green	.	.	Boston.
10	Warren Drew *	.	.	.	Warren Abbot Smith	.	.	Boston.
17	Minnie Haynes *	.	.	.	Minnie Abbott Hewett	.	.	Boston.
April 7	George Sidney Wheelock	.	.	.	Sidney Wheelock	.	.	Boston.
14	Mary Ann Berdens *	.	.	.	Anne Platt Kitching	.	.	Boston.
May 5	Tina Brown *	.	.	.	Anne McGlenn	.	.	Boston.
12	Henry F. Schnüch	.	.	.	Henry F. Shaneck	.	.	Boston.
12	Herman G. Schnüch	.	.	.	Herman G. Shaneck	.	.	Boston.
12	Frank Burchard *	.	.	.	Frank Campbell	.	.	Boston.
12	Herbert Walton *	.	.	.	Robert Warren Dill	.	.	Boston.
19	Mabel Boyd *	.	.	.	Mabel Boykin	.	.	Boston.
19	Isadora Haley	.	.	.	Isadora Leavitt	.	.	Boston.
26	Jacob Backhaus	.	.	.	Jacob Becker	.	.	Boston.
June 2	Charles Backhaus	.	.	.	Charles Becker	.	.	Boston.
9	Alice Gertrude Patten	.	.	.	Alice Gertrude Patten Laurie	.	.	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

SUFFOLK COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
June 9 .	Herbert Sawyer Patten .	Herbert Sawyer Patten Laurie	Boston.
16 .	Benjamin McKinstry Willis .	Hamilton Willis .	Boston.
16 .	John Holland * .	John Holland Driscoll .	Cambridge.
16 .	Michael Holland * .	Michael Holland Driscoll	Cambridge.
30 .	Sarah Ann Mabel Kendrick *	Sarah Ann Mabel Hurie	Boston.
30 .	Emily Mary Kendrick *	Emily Mary Kendrick Hurie .	Boston.
30 .	John William Kendrick *	John William Kendrick Hurie	Boston.
July 7 .	— — — * .	Mabel Kaulbach Balch .	Boston.
14 .	Earl Moody * .	William Edmund Leggett	Boston.
14 .	Grace McDonald * .	Grace Belle Dodds	Boston.
21 .	Marietta — — * .	Marietta Guardenier .	Boston.
28 .	Lizzie May Darrell *	Elsie Dinsmore Keniston	Boston.
28 .	Samuel Manning *	Henry Samuel Dodds .	Boston.
Sept. 1 .	Henry Dubelle * .	Henry Willard Starkey .	Boston.
Oct. 6 .	Mary Brennan * .	Mary Sullivan .	New York City.
6 .	George Brennan * .	George Sullivan .	New York City.
13 .	Thomas Prudent Yuerstein .	Thomas Prudent Brown	Boston.

27	Emma Justine Cleveland *	.	.	Emma Justine Mitchell.	.	.	Chelsea.
27	Mary Wilson *	.	.	Nellie Mehitable Davis .	.	.	Boston.
Nov. 17	Mary Carlan *	.	.	Mary Elizabeth McCann	.	.	Chelsea.
17	Maud Hersey *	.	.	Lottie Wheeler Clark .	.	.	Boston.
17	Charles Blanchard *	.	.	Charles Blanchard Eaton	.	.	Boston.
17	George Lewis Trott *	.	.	George Lewis Smith .	.	.	Boston.
24	Catherine Hughes *	.	.	Mabel Elsie Mochmore .	.	.	Boston.
Dec. 1	Samuel Tilden *	.	.	Joseph Brett Dennison .	.	.	Boston.
8	Ellen Louisa Trott	.	.	Ellen Louisa Smith .	.	.	Boston.
8	Mary Dyer *	.	.	Cora Ann Harris .	.	.	Boston.
22	Anthony Wayne Strouss	.	.	Anthony Wayne Strauss	.	.	Boston.
22	Alice Gertrude Choate *	.	.	Eleanor Howard Dean .	.	.	Boston.
22	John Graham or John Grames	.	.	John Graham .	.	.	Boston.

ESSEX COUNTY.

Jan. 18	Mary Wilson *	.	.	Annie Rose Crocker .	.	.	Woodstock, N.B.
Feb. 17	Katie Cummings *	.	.	Kate Blanchard Hill .	.	.	Jersey City, N.J.
March 10	Stephen Francis Mullin *	.	.	Stephen Francis Metcalf	.	.	Lawrence.

* Changed by reason of adoption.

ESSEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
March 17	Esther A. Bowden *	Alice Atwood Morgan .	Topsfield.
17	Michael Thomas McDermott.	Thomas Riley McDermott .	Danvers.
April 7	Thomas Gould, 2d .	Thomas Franklin Gould .	Topsfield.
14	Lewis Brewster Cobb *	Lewis Brewster Cobb Dolloff.	Manchester, N.H.
14	Maud Estelle McConihe *	Maud Estelle Kimball .	Haverhill.
28	Mabel Story * .	Mildred Suratt .	Rockport.
May 19	Katie Corbett * .	Katie Corbett Cahill .	Boston.
19	John Franklin Fall .	John Franklin Moulton .	Haverhill.
July 7	Florence Ruth Snow *	Mabel Blanche Fogg .	New Hampshire.
7	Philip Vergnices Learoyd	Francis Vergnices Learoyd .	Saugus.
14	Henry L. Kenney *	Lyall Henry Coulie .	New Bedford.
Sept. 1	Susan McPhee *	Susan Hodgkins .	Rockport.
1	Ella F. McDuffie .	Ella F. Eaton .	Salem.
Oct. 20	Carrie Bush *	Carrie Bush Tappan .	Ulster, Penn.
Nov. 8	Maud Dyer * .	Myra F. Sherman .	Lynn.
17	Ella Louisa Middlebrook *	Ella Maud Millward .	Providence, R. I.
Dec. 15	Mabel Lucretia Hadley *	Jesse Eva Jellison .	Cambridge.

CHANGE OF NAMES.

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MIDDLESEX COUNTY.

Jan.	7	Ann Maria Girdlestone *	.	.	Anna Maria Dimond	.	.	Newton.
	14	Grace May Wainwright *	.	.	Grace May Gooding	.	.	Somerville.
	28	Nettie Smart *	.	.	Maud Evelyn Doore	.	.	Lowell.
	28	Mary Alice Preston *	.	.	Mary Alice Hasey .	.	.	Lowell.
Feb.	4	George H. Lang *	.	.	Samuel William Cushing	.	.	Waltham.
	25	Frederick Wellington	.	.	Albert Elbridge Wellington	.	.	Somerville.
March	4	Anne Sullivan *	.	.	Anne Bell Caverly	.	.	Lowell.
	4	Flora Bell Glynn *	.	.	Flora Bell Stinehart	.	.	Somerville.
	18	Anne Baker *	.	.	Mabel Annie McCoy	.	.	Lowell.
	25	Edward Freeman *	.	.	Fred Freeman Underwood	.	.	Framingham.
April	1	Beatrice Kildruff *	.	.	Luella Florence McIntire	.	.	Somerville.
	8	Manuel Marcant *	.	.	Wendell Phillips Patterson	.	.	Newton.
	22	George Alfred Washburne *	.	.	George Alfred Williams	.	.	Lowell.
May	6	Mary Reily *	.	.	Mary Reily Scully	.	.	Malden.
	6	Albert E. Emery *	.	.	Albert Edward Hutchins	.	.	Lexington.
	13	Catharine Ensign Henry *	.	.	Catharine Ensign Bigelow	.	.	Melrose.
	20	Mary Ellen Eagan *	.	.	Mary Ellen Shephard	.	.	Lowell.

* Changed by reason of adoption.

CHANGE OF NAMES.

MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
May 20	Guy Lester Smart *	Albert Henry Briggs	Lowell.
27	Gertrude Harrington *	Gertrude May Weeks	Melrose.
20	Mabel Conley *	Mabel May Skiff	Marlborough.
27	Joseph George Dugnay *	Joseph George Le Blanc	Lowell.
June 10	Alice Drew *	Alice Drew Proper	Lowell.
10	William R. Gibbins *	Henry Alexander Brosseau	Cambridge.
24	Mary Carroll *	Mary Burns	Cambridge.
July 1	Lettie Jane Anderson *	Lettie Jane Burgin	Waltham.
8	May Belle Henderson *	May Belle Brooks	Somerville.
8	Ida Foster Henderson *	Ida Frances Brooks	Somerville.
15	Viva Idella Smart *	Viva Idella Perry	Chelmsford.
15	Luther Leland *	Luther Taylor	Hopkinton.
Aug. 19	Josephine Fuller *	Josephine Martin	Cambridge.
23	Frederick Montgomery McKay *	Frederick McKay Montgomery	Cambridge.
Oct. 7	Nellie Maud Philbrick *	Ann Maria Searles	Billerica.
7	Hattie Etta Jones *	Mary Emma Hartley	Melrose.
7	Nellie A. Burk *	Florence Greenwood Taber	Malden.

7	Fannie A. Fulcher *	.	.	.	Maria Frances Fiske	.	.	.	Weston.
14	Mary Ellen Ford *	.	.	.	Grace Eveline Caul	.	.	.	Watertown.
14	Daisy Mason *	.	.	.	Lottie May Thomas	.	.	.	Waltham.
28	Charles Philbrick *	.	.	.	Charles Bernard Tufts	.	.	.	BillERICA.
Nov. 11	Mary Jane Baxter *	.	.	.	Anna Maria Welch	.	.	.	Lowell.
18	Charles Hews Greenwood *	.	.	.	Charles Nason Bramhall	.	.	.	Cambridge.
25	Maud Ike French *	.	.	.	Maud French Marshall	.	.	.	Lowell.
Dec. 2	Madora Hawes *	.	.	.	Dora Harndon Emerson	.	.	.	Wakefield.
9	Mabel Frances Durocher *	.	.	.	Lulu Blanch Marsh	.	.	.	Lowell.
23	Charles W. Witherell *	.	.	.	Charles Elliott Currier	.	.	.	Lowell.
23	Maud Clifton Pinkham *	.	.	.	Jennie Etta Clifton	.	.	.	Lowell.
May 6	George Willard Brown	.	.	.	Willard Brown	.	.	.	Lowell.
Aug. 19	Lewis Center Clark	.	.	.	Edward Lewis Center Clark	.	.	.	Cambridge.
Sept. 23	Nancy Locke Richmond	.	.	.	Annie Locke Richmond	.	.	.	Lowell.

WORCESTER COUNTY.

Jan. 7	Alice E. Waltzo *	.	.	.	Alice Evelyn Barrows	.	.	.	Brookfield.
21	James T. Haywood *	.	.	.	James T. Black	.	.	.	Sturbridge.

* Changed by reason of adoption.

WORCESTER COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
Jan. 21	Mary Alice Haywood *	Mary Alice Black .	Sturbridge.
21	Elinor Alice Skinner *	Alice Elinor Walker .	Clinton.
Feb. 4	Delima Rabert *	Delia Fovand .	Dudley.
4	Joseph Rabert *	Joseph Loiselie .	Webster.
4	Sarah Elizabeth Johnson *	Cora Louise Spencer .	Uxbridge.
18	Margaret Grover *	Jennie Amy Taft .	Upton.
25	Bertha S. Smith *	Bertha S. Lewis .	Fitchburg.
March 18	Harvey Clinton York *	George Hayden Smith .	Fitchburg.
April 1	Moses Wilber Partridge *	Wilber Partridge Vinton .	Dudley.
15	Mabel Caniff *	Mabel Fessenden .	Templeton.
15	Etta Cosseboon *	Etta Adelia Chamberlin .	Southbridge.
15	Clifton Eugene Parkman *	Clifton Eugene Albee .	Dana.
15	Pearl Parker *	Pearl Parker Burton .	Millford.
15	Anna Richards .	Anna R. Brewer .	Clinton.
May 6	Brida Sawyer *	Lelia Bertha Wood .	Northborough.
June 3	Julia Nellie Kimball *	Gertrude Tyler Gould .	Westborough.
24	Frank F. Gates *	Robert Franklin Fairbanks .	Fitchburg.

July 1	Lillian Palfrey *	.	.	.	Mary Josephine Johnson	.	.	Milford.
15	Charles Albee Chickering	.	.	.	Charles Edgar Albee	.	.	Dudley.
Sept. 2	Hattie Maria Morse *	.	.	.	Hattie Morse Taylor	.	.	Sutton.
Oct. 7	Ada Louisa Smith *	.	.	.	Ada Louisa Battersby	.	.	Petersham.
Nov. 18	Frank Eugene Preston *	.	.	.	Frank Preston Bascom	.	.	Clinton.
Dec. 10	Frank Gilbert Hooper *	.	.	.	Leon William Doane	.	.	Warren.
23	— Simonds *	.	.	.	Ethel Susan Brocklebank	.	.	Fitchburg.

HAMPSHIRE COUNTY.

Feb. 4	Edmund Clark *	.	.	.	Edmund Miles	.	.	Amherst.
8	Henry Eugene Hudson *	.	.	.	Henry Eugene Rawson	.	.	Northampton.
March 4	Inez Ema Damon *	.	.	.	Inez Belle Tileston	.	.	Williamsburg.
April 1	Jeannie Maria Robinson *	.	.	.	Jennie Adeline Patrill	.	.	Greenwich.
May 6	Archie M. Phelps *	.	.	.	Archie Phelps Graves	.	.	Hatfield.
Sept. 2	Foundling *	.	.	.	William Edward Mather	.	.	Hadley.
Oct. 7	Freddie Durand *	.	.	.	Freddie Randall	.	.	Huntington.
Nov. 5	Mary Henrietta Blanchard *	.	.	.	Etta Louise Bliss	.	.	Amherst.
Sept. 2	Alice Kershaw	.	.	.	Alice Holmes	.	.	Ware.
Oct. 7	Kate Bakeman	.	.	.	Kate Conley	.	.	Northampton.

* Changed by reason of adoption.

HAMPDEN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
Feb. 18	Cora May Hooper *	Cora May Cady .	Springfield.
18	Henry Augustine Storey *	Henry Augustine Soper .	Westfield.
March 4	Lucy Glyton Stacy *	Lucy Glyton Brown .	Monson.
19	Ethlyn Day Fowler *	Sadie Holcomb .	Enfield, Conn.
19	Mary Frances Whittlesey *	Mary Whittlesey Hill .	West Springfield.
April 1	Maggie Jarvais *	Margaret Duseault .	Holyoke.
29	Calvin Henry Fuller *	George Harrison Herrick .	Montgomery.
June 3	Arthur Main Hughes *	Arthur Hughes Whitney .	Chicopee.
3	Mary Almira Elizabeth Lamson, <i>alias</i> Mary Elizabeth Woodward *	Ethel Clare Pember .	Vernon, Conn.
Nov. 5	Daisy Mabel Young *	Mabel Young Titus .	Springfield.
Dec. 2	Adelbert Storey *	Adelbert Shipley .	Westfield.
2	Howard Stanton *	Howard Mitchell .	Westfield.
2	George Wheelock *	George Washington Albert Fox .	West Springfield.
2	Florence May Jones *	Emma Elizabeth Witham .	West Springfield.
2	Mabel Evelyn Alden *	Mabel Evelyn Kendall .	Ludlow.
16	Grace Darling Warner *	Grace Darling Maxwell .	Westfield.

FRANKLIN COUNTY.

Jan. 7	Willie Guile *	.	.	.	Willie Hume	.	.	.	Montague.
7	Fred. Guile *	.	.	.	Fred. Hume	.	.	.	Montague.
Feb. 17	Martha Sophia Porter *	.	.	.	Martha Sophia Hall	.	.	.	Northfield.
March 4	Infant child of Caroline P. Douglass *	.	.	.	Helen Frances Church	.	.	.	Shutesbury.
11	Florence J. Prouty *	.	.	.	Florence J. Pratt	.	.	.	Orange.
June 17	Fred. L. Rawson *	.	.	.	Fred. L. Phinney	.	.	.	New Salem.
Sept. 2	Hattie Mabel McRay *	.	.	.	Hattie Mabel Hall	.	.	.	Deerfield.
9	Ellsworth Foster Rich *	.	.	.	Ellsworth Foster Gardner	.	.	.	Orange.
Oct. 7	Bessie Casey *	.	.	.	Bessie Morgan	.	.	.	Montague.
Dec. 2	Laura Ninette Wild *	.	.	.	Laura Ninette Gardner	.	.	.	Ashfield.

BERKSHIRE COUNTY.

April 1	Timothy W. Welch *	.	.	.	Timothy W. Pindergrast	.	.	.	Dalton.
May 6	Imogene Hosford *	.	.	.	Rebia L. Bowen	.	.	.	Adams.
July 15	Etta May Nichols *	.	.	.	Etta May Lindsay	.	.	.	Pittsfield.
Sept. 2	George Shear *	.	.	.	George Francis Murphy	.	.	.	Adams.

* Changed by reason of adoption.

BERKSHIRE COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
Sept. 2	Sara C. Shook *	Sara Shook Hutchinson	Richmond.
3	Mary E. Mills *	Mary E. Harper	Great Barrington.
Nov. 5	Isabella Gould *	Isabella Wilson	West Stockbridge.
Dec. 2	Albert Jones	Albert J. Richards	Richmond.

NORFOLK COUNTY.

Jan. 15	Edith Johnson *	Edith Ann Hinkley	Weymouth.
22	Mary Ellen O'Brien *	Mary Ellen Sullivan	Hyde Park.
Feb. 12	Emma Louisa Zeecher *	Bertha May Pye	Sharon.
March 19	Joseph Henry Evoy *	Joseph Newcomb	Norwood.
19	Frederick Stone *	Arthur Trafford Brazee.	Quincy.
April 2	Ellen McLaughlin *	Nellie Wilmot Parker	Stoughton.
July 22	Susan Lunt Arnold *	Susie Lunt Glover	Quincy.
Sept. 24	Joseph Henry O'Brien *	Joseph Henry Sullivan	Hyde Park.
3	Annie Bell Newman *	Annie Bell Partridge	Franklin.
Oct. 8	Anna Cora White *	Cora Louisa Gallagher	Milton.

8	Lucy Maria De Forest*	.	.	Lucy Maria Talbot	.	.	Quincy.
15	Hattie Maria Fernald*	.	.	Hattie Maria Madan	.	.	Weymouth.
Nov. 19	Mary Brown Noyes*	.	.	Harriet Allen Bedlington	.	.	Canton.
Dec. 17	Emma Sumner Green*	.	.	Emma Sumner Cook	.	.	Forborough.

BRISTOL COUNTY.

Jan. 10	Alice Mabel Murphy*	.	.	Alice Mabel Gibbs	.	.	Easton.
Feb. 7	Annie Horton*	.	.	Annie Horton Rogers	.	.	Dighton.
14	John Francis Healey*	.	.	John Francis Donahoe	.	.	Fall River.
21	Ellen Scott*	.	.	Ellen Maria Sherman	.	.	Dartmouth.
March 14	Norman Lionel Brenton*	.	.	Norman Eli Robbins	.	.	Attleborough.
14	Alice Maud Brenton*	.	.	Ella Ruggles Crossman	.	.	Norton.
May 16	Carl Henry Roe*	.	.	Charles Henry Stearns	.	.	Foxborough.
June 6	Nameless child	.	.	Mary Dugan	.	.	Fall River.
27	Amy Tree Gidley*	.	.	Amy Tray Royce	.	.	Dartmouth.
July 11	Melsar Merton Peirce*	.	.	Melsar Merton Dean	.	.	Taunton.
11	George Durfee	.	.	Thomas Durfee Robinson	.	.	Fall River.
Sept. 5	John Fenwick Baker	.	.	John Baker	.	.	Rehoboth.

* Changed by reason of adoption.

BRISTOL COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1879.			
Oct. 3 .	Louisa Andrews *	Lotta Louisa Hardon .	Westport.
3 .	Mary Jane Brown *	Edith May Colyar .	New Bedford.
Nov. 7 .	Eva Etta Bismore *	Eva Etta Burlingame .	New Bedford.

PLYMOUTH COUNTY.

Jan. 13 .	Willie Davis *	William B. Johnson .	Plymouth.
March 10 .	Henry Munroe *	William A. Ruhle .	Plymouth.
10 .	— Walker *	Bertha Mabel Dobson .	South Abington.
Sept. 8 .	Bertha Gray *	Bertha Gray Hayes .	Middleborough.
Nov. 24 .	— Turner *	Grace May Beal .	Pembroke.
June 9 .	William Sever Harrison	Alexander Madena Harrison .	Plymouth.

BARNSTABLE COUNTY.

Jan. 14 .	Arthur Bingham Collins	Benajah Bingham Collins	Mashpee.
March 11 .	Emma Winslow Foster .	Ida Winslow Foster .	Brewster.

Feb. 11	Fanny Smith Kelley*	.	.	.	Fanny Kelley Haffards	.	.	.	Yarmouth.
11	Clara May Jones*	.	.	.	Clara May Hinckley	.	.	.	Eastham.
May 19	Simeon W. Fisher*	.	.	.	Henry H. Baker	.	.	.	Falmouth.
Oct. 29	Francis Ollar*	.	.	.	Francis H. Emery	.	.	.	Provincetown.
Nov. 18	John A. Nickerson*	.	.	.	John A. Jones	.	.	.	Falmouth.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1880.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
JOHN D. LONG,
GOVERNOR.

WILLIAM M. OLIN *Private Secretary.*

HIS HONOR
BYRON WESTON,
LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS).

I.—JOHN S. BRAYTON	Fall River.
II.—WILLIAM O. TAYLOR	Boston.
III.—GEORGE P. CARTER	Cambridge.
IV.—JOHN P. SPAULDING	Boston.
V.—JOHN M. RAYMOND	Salem.
VI.—GEORGE HEYWOOD	Concord.
VII.—RODNEY WALLACE	Fitchburg.
VIII.—OSCAR EDWARDS	Northampton.

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*
GEORGE G. SPEAR, Jr., *3d Clerk.*

CHARLES ENDICOTT,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* JOHN Q. ADAMS, *2d Clerk.*

CHARLES R. LADD,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

GEORGE MARSTON,

ATTORNEY-GENERAL.

FREDERIC H. GILLET *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1876.

SENATE.

President — ROBERT R. BISHOP.

District.	Name of Senator.	Residence.
First Suffolk . .	Eben Hutchinson . .	Chelsea.
Second “ . .	William T. Van Nostrand,*	Boston.
Third “ . .	William Taylor . .	Boston.
Fourth “ . .	George G. Crocker . .	Boston.
Fifth “ . .	Alonzo Warren . .	Boston.
Sixth “ . .	Calvin M. Winch . .	Boston.
Seventh “ . .	Henry W. Fuller . .	Boston.
Eighth “ . .	Charles J. Brooks . .	Boston.
First Essex . .	Harmon Hall . .	Saugus.
Second “ . .	Stephen F. Blaney . .	Peabody.
Third “ . .	Jonas H. French . .	Gloucester.
Fourth “ . .	Warren Currier . .	Newburyport.
Fifth “ . .	Stephen Osgood . .	Georgetown.
Sixth “ . .	Andrew C. Stone . .	Lawrence.
First Middlesex .	Elisha S. Converse . .	Malden.
Second “ . .	Robert R. Bishop . .	Newton.
Third “ . .	Asa P. Morse . .	Cambridge.

* Qualified and took his seat Feb. 19, in place of Eugene L. Norton, deceased Jan. 21.

SENATE.

District.	Name of Senator.	Residence.
Fourth Middlesex .	Samuel N. Aldrich . .	Marlborough.
Fifth " . .	Anson D. Fessenden . .	Townsend.
Sixth " . .	Daniel Russell . . .	Melrose.
Seventh " . .	Charles S. Lilley . . .	Lowell.
First Worcester .	Henry C. Rice . . .	Worcester.
Second " . .	William Abbott . . .	Douglas.
Third " . .	James W. Stockwell . .	Sutton.
Fourth " . .	Alpheus Harding . . .	Athol.
Fifth " . .	Charles T. Crocker . .	Fitchburg.
First Hampden .	Marcus P. Knowlton . .	Springfield.
Second " . .	Emerson Gaylord . . .	Chicopee.
Hampshire . . .	John L. Otis . . .	Northampton.
Franklin . . .	Joseph H. Root . . .	Montague.
North Berkshire .	James W. Dwyer . . .	North Adams.
South " . .	Elizur Smith . . .	Lee.
First Norfolk . .	Nathaniel Wales . . .	Stoughton.
Second " . .	James P. Ray . . .	Franklin.
First Plymouth .	Ebenezer T. Fogg . . .	South Scituate.
Second " . .	Starkes Whiton . . .	Hingham.
First Bristol . .	Oliver Ames . . .	Easton.
Second " . .	Thomas Webb . . .	Fall River.
Third " . .	George B. Richmond . .	New Bedford.
Cape . . .	Samuel Snow . . .	Barnstable.

STEPHEN N. GIFFORD *Clerk.*
EDMUND DOWSE *Chaplain.*
O. F. MITCHELL *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker — CHARLES J. NOYES.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1	. { George T. Sampson . Edwin R. Webster .	Boston. Boston.
2d,	Boston, Ward 2	. { William A. Foss . James J. Doherty .	Boston. Boston.
3d,	Boston, Ward 3	. { Jeremiah J. Crowley, George M. Starbird .	Boston. Boston.
4th,	Boston, Ward 4	. Augustus W. Stover,	Boston.
5th,	Boston, Ward 5	. { John H. Dee . John H. Sherburne .	Boston. Boston.
6th,	Boston, Ward 6	. { James L. Quigley . Patrick F. Mahoney,	Boston. Boston.
7th,	Boston, Ward 7	. { Richard Roach . Peter Cannon .	Boston. Boston.
8th,	Boston, Ward 8	. { Charles W. Smith . Patrick F. McGaragle,	Boston. Boston.
9th,	Boston, Ward 9	. { John F. Andrew . James M. Bugbee .	Boston. Boston.
10th,	Boston, Ward 10	. { Arthur J. C. Sowdon, Increase E. Noyes .	Boston. Boston.
11th,	Boston, Ward 11	. { Hamilton A. Hill . John G. Webster .	Boston. Boston.
12th,	Boston, Ward 12	. { John D. Mulchinoek, Jeremiah H. Mullane,	Boston. Boston.
13th,	Boston, Ward 13	. { James A. McGeough, James T. Mahony .	Boston. Boston.
14th,	Boston, Ward 14	. { Charles J. Noyes . George H. Bond .	Boston. Boston.

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15 . {	George W. Bail . Frank A. Clapp .	Boston. Boston.
16th,	Boston, Ward 16 . {	Joseph H. O'Neil . Isaac Rosnosky .	Boston. Boston.
17th,	Boston, Ward 17 . {	John Q. A. Brackett, Zenas E. Smith .	Boston. Boston.
18th,	Boston, Ward 18 . {	Lewis Coleman . Charles H. Allen .	Boston. Boston.
19th,	Boston, Ward 19 . {	John Joyce . James H. Nugent .	Boston. Boston.
20th,	Boston, Ward 20 . {	Horace T. Rockwell, John F. Dever* .	Boston. Boston.
21st,	Boston, Ward 21 . {	Arthur W. Tufts . William Blanchard .	Boston. Boston.
22d,	Boston, Ward 22 .	William H. Carberry,	Boston.
23d,	Boston, Ward 23 . {	Robert M. Morse, Jr. Abraham O. Bigelow,	Boston. Boston.
24th,	Boston, Ward 24 . {	Martin L. Bradford . George L. Burt .	Boston. Boston.
25th,	Boston, Ward 25 .	George B. Livermore,	Boston.
26th,	{ Chelsea . . . Revere . . . Winthrop . . . }	{ Elbridge C. Donnell, Charles H. Ferson . Thomas B. Jones . }	Chelsea. Chelsea. Chelsea.

COUNTY OF ESSEX.

1st,	{ Rockport . Gloucester, Ward 7, }	William H. Sargent,	Gloucester.
2d,	{ Gloucester, Wards 1, } 2, 3, 4, 5, 6. . }	Stephen Rich . . Robert Tarr . .	Gloucester. Gloucester.
3d,	{ Gloucester, Ward 8, } Essex . . . Manchester . . . Hamilton . . . }	William A. Brown .	Hamilton.

* No choice at November election; elected Feb. 10, 1880.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Wenham . . . } { Danvers . . . }	Henry Hobbs . .	Wenham.
5th,	Beverly . . .	John I. Baker . .	Beverly.
6th,	{ Salem, Wards 1, 2, } { 5. . . . }	George D. Glover . . Daniel B. Lord . .	Salem. Salem.
7th,	{ Salem, Wards 3, 4, } { 6. . . . }	Nathaniel A. Horton, Rufus B. Gifford . .	Salem. Salem.
8th,	{ Marblehead . . } { Swampscott . . }	William B. Brown . . Thomas Main . .	Marblehead. Marblehead.
9th,	Lynn, Ward 3 . .	Ebenezer Beckford .	Lynn.
10th,	{ Lynn, Wards 1, 2, 4, } { 5, 7 . . . } { Nahant . . . }	C. A. Wentworth, 2d, Bryan Harding . . Henry Cabot Lodge,	Lynn. Lynn. Nahant.
11th,	Lynn, Ward 6 . .	Samuel B. Valpey .	Lynn.
12th,	Peabody . . .	Edward Trask . .	Peabody.
13th,	{ Saugus . . . } { Lynnfield . . . } { Middleton . . . } { Topsfield . . . }	J. Allston Newhall .	Saugus.
14th,	{ Andover . . . } { North Andover . . }	John Cornell . .	Andover.
15th,	{ Boxford . . . } { Rowley . . . } { Ipswich . . . }	William H. Tozer . .	Ipswich.
16th,	{ Newbury . . . } { Newburyport, W'ds } { 1, 2, 3, 4, 5, 6 . . }	Eben F. Stone . . Amos Coffin . .	Newburyport. Newburyport.
17th,	{ Georgetown . . } { Groveland . . . } { Bradford . . . }	Andrew J. Huntress,	Groveland.
18th,	{ West Newbury . . } { Salisbury . . . } { Amesbury . . . } { Merrimac . . . }	Elias P. Collins . . William Smeath . .	Salisbury. Amesbury.

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Haverhill, Wards 1, } 2, 3, 4, 5, 6. . } { Methuen. . . }	Levi Taylor . . Edwin Gage . . Daniel T. Morrison .	Haverhill. Haverhill. Methuen.
20th,	{ Lawrence, Wards 1, } 2, 3 . . . }	Henry P. Danforth . Joseph J. Nichols .	Lawrence. Lawrence.
21st,	{ Lawrence, Wards 4, } 5, 6 . . . }	Edward P. Poor . Daniel F. Dolan .	Lawrence. Lawrence.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } 1, 5 . . . }	George W. Park . Thos. W. Higginson,	Cambridge. Cambridge.
2d,	{ Cambridge, Wards } 2, 4 . . . }	A. Carter Webber . James H. Sparrow . Henry J. Wells .	Cambridge. Cambridge. Cambridge.
3d,	Cambridge, Ward 3,	John McSorley .	Cambridge.
4th,	Somerville, Ward 1,	John Haskell Butler,	Somerville.
5th,	Somerville, Ward 2,	Robert L. Spear .	Somerville.
6th,	{ Somerville, Wards } 3, 4 . . . }	Person Davis . .	Somerville.
7th,	Medford . . .	Daniel W. Lawrence,	Medford.
8th,	{ Malden . . . } { Everett . . . }	James P. Magee . George S. Marshall .	Malden. Everett.
9th,	Melrose . . .	Joseph D. Wilde .	Melrose.
10th,	Stoneham . . .	John F. Berry . .	Stoneham.
11th,	Wakefield . . .	Lucius Beebe . .	Wakefield.
12th,	{ Reading . . . } { North Reading . . } { Wilmington . . }	George L. Flint . .	No. Reading.
13th,	Woburn . . .	Edward D. Hayden .	Woburn.
14th,	{ Arlington . . . } { Winchester . . }	William G. Peck . .	Arlington.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Watertown . . . } { Belmont . . . }	Wm. H. Ingraham .	Watertown.
16th,	{ Newton, Wards 1, 2, } { 3, 4, 5, 6, 7. . }	George D. Eldridge . Chas. Robinson, Jr. .	Newton. Newton.
17th,	Waltham . . .	Nathan Warren .	Waltham.
18th,	{ Lexington . . . } { Burlington . . . } { Bedford . . . } { Billerica . . . }	Augustus E. Scott .	Lexington.
19th,	{ Tewksbury . . . } { Chelmsford . . . } { Tyngsborough . . . } { Dracut . . . }	John W. Peabody .	Dracut.
20th,	Lowell, Ward 1 .	John O'Donnell .	Lowell.
21st,	Lowell, Ward 2 .	Leavitt R. J. Varnum,	Lowell.
22d,	Lowell, Ward 3 .	Simon Kelley . .	Lowell.
23d,	Lowell, Ward 4 .	James W. Bennett .	Lowell.
24th,	Lowell, Ward 5 .	Robert Goulding .	Lowell.
25th,	Lowell, Ward 6 .	John J. Pickman .	Lowell.
26th,	{ Concord . . . } { Acton . . . } { Carlisle . . . } { Lincoln . . . }	Sidney A. Bull .	Carlisle.
27th,	{ Weston . . . } { Wayland . . . } { Sudbury . . . } { Maynard . . . }	Charles F. Gerry .	Sudbury.
28th,	Natick . . .	Francis Bigelow .	Natick.
29th,	{ Holliston . . . } { Sherborn . . . }	George B. Fiske .	Holliston.
30th,	{ Hopkinton . . . } { Ashland . . . }	Silas F. Thayer .	Ashland.
31st.	Framingham . .	George B. Brown .	Framingham.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
32d,	Marlborough . . .	James W. McDonald,	Marlborough.
33d,	{ Hudson . . . Stow . . . Boxborough . . . Littleton . . . }	John W. Adams .	Littleton.
34th,	{ Westford . . . Groton . . . Dunstable . . . Pepperell . . . }	Dexter Butterfield .	Dunstable.
35th,	{ Ayer . . . Shirley . . . Townsend . . . Ashby . . . }	Norman C. Munson .	Shirley.

COUNTY OF WORCESTER.

1st,	{ Blackstone . . . Uxbridge . . . }	Charles E. Seagrave,	Uxbridge.
2d,	{ Mendon . . . Milford . . . Upton . . . }	Isaac N. Crosby . Benj. A. Jourdan .	Milford. Upton.
3d,	{ Northbridge . . . Grafton . . . }	Henry F. Wing .	Grafton.
4th,	{ Westborough . . . Southborough . . . }	Leander W. Newton,	Southborough.
5th,	{ Clinton . . . Berlin . . . Bolton . . . Sterling . . . Lancaster . . . Harvard . . . Lunenburg . . . }	Daniel B. Ingalls . Lewis L. Carter .	Clinton. Berlin.
6th,	Fitchburg . . .	{ Joseph A. Tufts . . Eli Culley . . }	Fitchburg. Fitchburg.
7th,	{ Winchendon . . . Ashburnham . . . Gardner . . . Westminster . . . Princeton . . . }	George W. Eddy . Edwin J. Cushing .	Ashburnham. Gardner.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Athol . . . } Royalston . . . }	Russell S. Horton .	Athol.
9th,	{ Petersham . . . } Phillipston . . . } Templeton . . . } Hubbardston . . }	James A. Carruth .	Phillipston.
10th,	{ Dana } Hardwick } Barre } Oakham } New Braintree . . }	Thomas P. Root .	Barre.
11th,	{ Rutland } Holden } Paxton } Leicester }	Lewis Bigelow .	Paxton.
12th,	{ West Brookfield . } Warren } Brookfield } North Brookfield . } Sturbridge }	George W. Johnson . George N. Bacon .	Brookfield. Sturbridge.
13th,	{ Spencer } Charlton } Southbridge } Oxford }	John W. Bigelow } John M. Cochran .	Spencer. Southbridge.
14th,	{ Douglas } Webster } Dudley }	William W. Brown .	Douglas.
15th,	{ Auburn } Millbury } Sutton }	George W. Rice .	Sutton.
16th,	{ Shrewsbury . . . } Northborough . . . } Boylston } West Boylston . . . }	Henry H. Brigham .	Boylston.
17th,	Leominster . . .	Dwight B. Look .	Leominster.
18th,	Worcester, Ward 1.	Thomas J. Hastings,	Worcester.
19th,	Worcester, Ward 2.	Martin V. B. Jefferson,	Worcester.
20th,	Worcester, Ward 3.	Eugene M. Moriarty,	Worcester.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	Worcester, Ward 4.	Francis Plunkett .	Worcester.
22d,	Worcester, Ward 5.	John R. Thayer .	Worcester.
23d,	Worcester, Ward 6.	Joseph H. Walker .	Worcester.
24th,	Worcester, Ward 7.	Calvin L. Hartshorn,	Worcester.
25th,	Worcester, Ward 8.	J. Marcus Rice .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton . . . } { Northampton . . . } { Southampton . . . }	William E. Topliff . John F. Warner .	Easthampton. Northampton.
2d,	{ Hadley . . . } { Hatfield . . . } { Westhampton . . . } { Williamsburg . . . }	Lewis H. Warner .	Williamsburg.
3d,	{ Chesterfield . . . } { Cummington . . . } { Goshen . . . } { Huntington . . . } { Middlefield . . . } { Plainfield . . . } { Worthington . . . }	Edward Pease . .	Huntington.
4th,	{ Amherst . . . } { Pelham . . . } { Prescott . . . } { South Hadley . . . }	Chas. O. Parmenter .	Pelham.
5th,	{ Belchertown . . . } { Enfield . . . } { Granby . . . } { Greenwich . . . } { Ware . . . }	Stephen P. Bailey .	Greenwich.

COUNTY OF HAMPDEN.

1st,	{ Monson . . . } { Brimfield . . . } { Holland . . . } { Wales . . . }	John C. Burley .	Wales.
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COUNTY OF HAMPDEN — CONCLUDED.

District	Town or Ward.	Name of Representative.	Residence.
2d,	{ Palmer . . . } { Wilbraham . . . } { Hampden . . . } { Ludlow . . . }	Joseph F. Holbrook .	Palmer.
3d,	Chicopee . . .	Dwight L. Shaw .	Chicopee.
4th,	{ Springfield, Wards } { 1, 2 . . . }	Hinsdale Smith . Jona. E. Shipman .	Springfield. Springfield.
5th,	{ Springfield, Wards } { 3, 6 . . . }	Edwin D. Metcalf .	Springfield.
6th,	{ Springfield, Wards } { 4, 7 . . . } { Longmeadow . . }	Henry M. Phillips .	Springfield.
7th,	{ Springfield, Wards } { 5, 8 . . . }	C. C. Merritt .	Springfield.
8th,	{ Holyoke, Wards 1, } { 2, 3, 4, 5 . . }	Michael J. Teahan .	Holyoke.
9th,	{ Holyoke, Wards 6, 7, } { West Springfield . }	John Delaney .	Holyoke.
10th,	{ Westfield . . . } { Agawam . . . } { Montgomery . . }	Merritt Van Deusen, J. Henry Churchill .	Westfield. Agawam.
11th,	{ Southwick . . . } { Granville . . . } { Tolland . . . } { Blandford . . . } { Chester . . . } { Russell . . . }	Samuel A. Bartholomew .	Blandford.

COUNTY OF FRANKLIN.

1st,	{ Erving . . . } { Warwick . . . } { Orange . . . } { New Salem . . }	William H. Gale .	Warwick.
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HOUSE OF REPRESENTATIVES.

COUNTY OF FRANKLIN — CONCLUDED.

District.	Town.	Name of Representative.	Residence.
2d,	{ Montague . . . Sunderland . . . Leverett . . . Shutesbury . . . Wendell . . . }	George A. Berry .	Shutesbury.
3d,	{ Greenville . . . Gill . . . Shelburne . . . }	Samuel D. Bardwell,	Shelburne.
4th,	{ Deerfield . . . Conway . . . Whately . . . }	Chester K. Waite .	Whately.
5th,	{ Northfield . . . Bernardston . . . Leyden . . . Colrain . . . Heath . . . }	Hugh Maxwell .	Heath.
6th,	{ Ashfield . . . Buckland . . . Charlemont . . . Hawley . . . Rowe . . . Monroe . . . }	Clinton H. Dodge .	Hawley.

COUNTY OF BERKSHIRE.

1st,	{ Hancock . . . Lanesborough . . . New Ashford . . . Williamstown . . . Clarksburg . . . }	Keyes Danforth .	Williamstown.
2d,	{ Adams . . . North Adams . . . }	Horace M. Holmes . S. Proctor Thayer *.	Adams. North Adams.
3d,	{ Pittsfield . . . Dalton . . . }	Sam. W. Bowerman, Edward D. G. Jones,	Pittsfield. Pittsfield.
4th,	{ Florida . . . Savoy . . . Cheshire . . . Windsor . . . Washington . . . Peru . . . Hinsdale . . . }	William C. Warren .	Windsor.

* Resigned April 24.

COUNTY OF BERKSHIRE—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
5th,	{ Becket . . . Lee . . . Otis . . . Tyringham . . }	William Tinker .	Otis.
6th,	{ Richmond . . . Lenox . . . Stockbridge . . West Stockbridge . }	James Shead . .	W. Stockb'ge.
7th,	{ Alford . . . Egremont . . . Great Barrington . Monterey . . . }	Walter B. Peck .	Egremont.
8th,	{ Mt. Washington . New Marlborough . Sandisfield . . Sheffield . . . }	Lorrin P. Keyes .	New Marlboro'.

COUNTY OF NORFOLK.

1st,	{ Dedham . . . Norwood . . . }	William J. Wallace .	Norwood.
2d,	Brookline . .	Edward I. Thomas .	Brookline.
3d,	Hyde Park . .	Hobart M. Cable .	Hyde Park.
4th,	{ Milton . . . Canton . . . }	Horace E. Ware .	Milton.
5th,	{ Quincy . . . Weymouth . . . Weymouth . . . }	Edwin B. Pratt . Nathan D. Canterbury, Louis A. Cook	Quincy. Weymouth. Weymouth.
6th,	{ Braintree . . . Holbrook . . . }	Francis Gardner .	Holbrook.
7th,	{ Randolph . . . Stoughton . . . Sharon . . . Walpole . . . }	Jonathan Wales . Newell S. Attwood .	Randolph. Stoughton.
8th,	{ Franklin . . . Foxborough . . . Wrentham . . . Bellingham . . Medway . . . }	Benj. F. Boyden, 2d, Wm. R. Tompkins .	Foxborough. Wrentham.

HOUSE OF REPRESENTATIVES.

COUNTY OF NORFOLK—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham . . . } { Dover . . . } { Medfield . . . } { Norfolk . . . }	Lyman K. Putney .	Needham.

COUNTY OF BRISTOL.

1st,	{ Attleborough . . . } { Norton . . . } { Mansfield . . . }	Edwin J. Horton . Seth C. Shepard .	Attleborough. Mansfield.
2d,	{ Easton . . . } { Raynham . . . }	Hiram Williams .	Easton.
3d,	{ Taunton . . . } { Berkley . . . }	John D. Reed . James M. Evans . John H. Galligan .	Taunton. Taunton. Taunton.
4th,	{ Acushnet . . . } { Fairhaven . . . } { Freetown . . . }	Joseph Burt, Jr. .	Acushnet.
5th,	{ New Bedford, Wards } { 1, 2, 3. . . . }	James M. Lawton . Eben C. Milliken .	New Bedford. New Bedford.
6th,	{ New Bedford, Wards } { 4, 5, 6. . . . }	William Sanders . Thos. B. Hathaway .	New Bedford. New Bedford.
7th,	{ Westport . . . } { Dartmouth . . . }	Henry A. Slocum .	Dartmouth.
8th,	{ Fall River, Wards } { 1, 2, 3, 4 . . . }	Marcus Leonard . Patrick M. McGlynn, James Langford .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards 5, } { 6. . . . } { Somerset . . . }	James F. Davenport, Pardon McComber .	Fall River. Fall River.
10th,	{ Seekonk . . . } { Swanze . . . } { Rehoboth . . . } { Dighton . . . }	Andrew N. Medbery,	Seekonk.

HOUSE OF REPRESENTATIVES.

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COUNTY OF PLYMOUTH.

District.	Town.	Name of Representative.	Residence.
1st,	{ Hingham . . . } Hull . . . }	Arthur Lincoln .	Hingham.
2d,	{ Cohasset. . . } Scituate . . . } South Scituate . . }	Philander Bates .	Cohasset.
3d,	{ Marshfield . . . } Pembroke . . . } Hanson . . . } Halifax . . . }	James T. Drew .	Halifax.
4th,	{ Duxbury . . . } Kingston . . . } Plympton . . . } Carver . . . }	Walter H. Faunce .	Kingston.
5th,	Plymouth . . .	Charles H. Howland,	Plymouth.
6th,	{ Wareham . . . } Rochester . . . } Marion . . . } Mattapoisett . . . }	Joseph R. Taber.	Mattapoisett.
7th,	{ Middleborough . . } Lakeville . . . }	James L. Jenney .	Middleboro'.
8th,	{ Bridgewater . . . } East Bridgewater . . }	Joshua Dean . . .	E. B'dgewater.
9th,	{ Rockland . . . } Hanover . . . }	Howard A. Wheeler,	Rockland.
10th,	{ Brockton . . . } West Bridgewater . . }	Alfred C. Munroe . Albert Keith . . .	Brockton. Brockton.
11th,	{ Abington . . . } South Abington . . . }	Marcus M. Loud .	Abington.

COUNTY OF BARNSTABLE.

1st,	{ Sandwich . . . } Falmouth . . . }	James E. Gifford .	Falmouth.
2d,	{ Barnstable . . . } Mashpee . . . }	Clark Lincoln . . .	Barnstable.

HOUSE OF REPRESENTATIVES.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town.	Name of Representative.	Residence.
3d,	{ Yarmouth . . . } Dennis . . . }	Charles F. Swift .	Yarmouth.
4th,	{ Harwich . . . } Chatham . . . }	Erastus Nickerson .	Chatham.
5th,	{ Brewster . . . } Orleans . . . } Eastham . . . } Wellfleet . . . }	Jesse H. Freeman .	Wellfleet.
6th,	{ Truro . . . } Provincetown . . . }	Joseph P. Johnson .	Provincetown.

COUNTY OF DUKES.

1st,	{ Chilmark . . . } Edgartown . . . } Gay Head . . . } Gosnold . . . } Tisbury . . . }	Stephen Flanders .	Chilmark.
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1st,	Nantucket . . .	Henry Paddack .	Nantucket.
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[Congressional Districts established by Chap. 300, Acts of 1872, and Chap. 113, Acts of 1876.]

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Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, June 10, 1880.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns in this Department.

HENRY B. PEIRCE,
Secretary of the Commonwealth.

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